



**EDMUND RICE EDUCATION  
AUSTRALIA**

# **STUDENT PROTECTION PROCESSES**

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**FOR THE EDMUND RICE EDUCATION AUSTRALIA  
NORTHERN REGION (QUEENSLAND) SCHOOLS,  
FLEXIBLE LEARNING CENTRES, INDOOROOPIILLY MONTESSORI  
CHILDREN'S HOUSE AND MARY RICE EARLY LEARNING CENTRE.**

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## Preface

These processes have been developed by the *Queensland Catholic Education Commission* (QCEC), in consultation with Catholic School Authorities, in order to assist Catholic School Authorities to meet legislative and procedural processes for responding to, and reporting, abuse, harm and behaviour of a staff member that a student considers is inappropriate.

**Nothing that is written in these processes below prevents a staff member or any other person from taking immediate action to notify Queensland Police Service and/or the Department responsible for Child Safety, particularly if he/she believes that it is essential to act to ensure a student's safety.**

## Effective Date

These processes are effective from 2 November 2022.

## Review Schedule

These processes shall be reviewed every 12 months, or when necessary as required by changes to legislation, policy or procedure.

## The Governing Body

The Governing Body is the **Trustees of Edmund Rice Education Australia**.

The Director/s of the Governing Body for the **Edmund Rice Education Australia Northern Region (Queensland) schools, Flexible Learning Centres, Indooroopilly Montessori Children's House and Mary Rice Early Learning Centre**, are **Philomena Mary Billington, Cynthia Beverley Rowan, Beth Maria Gilligan, Peter Edward Hamill, Mark Anderson, David James White, Peter Michael Turner, Brian Vincent Bissaker, Stephen Leonard Ellich, Sonia Faccin Nolan, David Gerard Penny, Susan Monica Stevens and Stephen Paul Brown**.

## Delegation

Pursuant to s 366B of the *Education (General Provisions) Act 2006*, the Directors of the Trustees of Edmund Rice Education Australia delegated to the person performing the duties of Director of Schools – QLD EREA obligations under s366 and 366A of the *Education (General Provisions) Act 2006* and more particularly the obligations of the Director/s of a non-State school's governing body of receiving a report and giving a copy of the report to a police officer.

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## School Student Protection Contacts

Under the *Education (Accreditation of Non-State Schools) Regulation 2017* (section 16(3)), St Ignatius Park College, Townsville, St Brendan's College, Yeppoon, St Patrick's College, Shorncliffe, St Joseph's Nudgee College (including Mary Rice Early Learning Centre), Boondall, St James College, Spring Hill, St Joseph's College, Spring Hill, St Laurence's College, South Brisbane, Ambrose Treacy College, Indooroopilly, St Edmund's College, Ipswich, Indooroopilly Montessori Children's House, Indooroopilly, Mary Rice Early Learning Centre, Boondall, Marlene Moore Flexi Schools Network (Deception Bay, Hemmant, Noosa and Gympie), Xavier Flexi School Network (Kingston, Townsville, Inala and Ipswich) and Wollemi Flexi Schools Network (Albert Park, Rockhampton, Southport and Mt Isa) administered by Edmund Rice Education Australia have at least two nominated staff members to whom a student can report behaviour of another staff member that the student considers inappropriate. The names of these Student Protection Contacts are made known to staff, students and parents and are published on the school's website and maintained on a central register, updated regularly. See [Form C](#).

## Complaints Procedure

Under the *Education (Accreditation of Non-State Schools) Regulation 2017* (section 16(5)), St Ignatius Park College, Townsville, St Brendan's College, Yeppoon, St Patrick's College, Shorncliffe, St Joseph's Nudgee College (including Mary Rice Early Learning Centre, Boondall, St James College, Spring Hill, St Joseph's College, Spring Hill, St Laurence's College, South Brisbane, Ambrose Treacy College, Indooroopilly, St Edmund's College, Ipswich, Indooroopilly Montessori Children's House, Indooroopilly, Mary Rice Early Learning Centre, Boondall, Marlene Moore Flexi Schools Network (Deception Bay, Hemmant, Noosa and Gympie), Xavier Flexi School Network (Kingston, Townsville, Inala and Ipswich) and Wollemi Flexi Schools Network (Albert Park, Rockhampton, Southport and Mt Isa) administered by Edmund Rice Education Australia have a written complaints procedure to address allegations of non-compliance with student protection processes. Information about the complaints procedure is available from Edmund Rice Education Australia Northern Regional office and or the local school or entity.

## Awareness and Implementation

If staff members, parents or students require further information in relation to any of the processes described in this document and/or other student protection compliance requirements, advice should be obtained from the Principal, the school's Student Protection Contacts or Edmund Rice Education Australia Northern Regional office P: 07 3737 6700 and/or the EREA Director of Safeguarding P: 03 9426 3216.

Edmund Rice Education Australia through its schools and entities is responsible for ensuring that:

- this document is freely available to staff members, students and parents;
- staff members, students and parents are made aware of the student protection processes;
- All staff are trained in implementing the processes on commencement of employment and then on at least an annual basis as part of their ongoing training requirements, and all volunteers and visiting service providers receive information regarding student protection processes as part of their induction and training; and

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- the processes are being implemented within the school.

This is achieved by:

Edmund Rice Education Australia through the local Principal or the entity leader, will meet these requirements listed above including:

- This document titled **Student Protection Processes for the Edmund Rice Education Australia Northern Regions (Queensland) Schools, Flexible Learning Centres, Indooroopilly Montessori Children's House and Mary Rice Early Learning Centre** be available online via the school website and in hard copy at the school.
- Staff and volunteers at the point of induction will be made aware of the document **Student Protection Processes for the Edmund Rice Education Australia Northern Regions (Queensland) Schools, Flexible Learning Centres, Indooroopilly Montessori Children's House and Mary Rice Early Learning Centre**.
- Students and parents are made aware of the student protection processes, at the point of enrolment and schools/entity website.
- All staff, College Board members and volunteers will complete the EREA online training within four weeks of starting their employment or engagement.
- All staff and volunteers are to complete the EREA online child protection training every two years.
- All staff annually are to receive professional development into the student protection processes.
- Schools/Entity are to report annually to their Boards as to how the processes are being implemented within the school, monitored and oversighted. The report needs to be minuted in the Board minutes.

This document should be read in conjunction with the [Student Protection Guidelines for the Edmund Rice Education Australia Northern Regions \(Queensland\) Schools, Flexible Learning Centres, Indooroopilly Montessori Children's House and Mary Rice Early Learning Centre](#).

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# 1. Our responsibilities

Edmund Rice Education Australia is committed to creating and maintaining safe environments for students. A critical area of importance is how to respond to, and report abuse, harm and the behaviour of a staff member that a student considers is inappropriate. This document sets out the responsibilities for staff members in schools where they have a concern for the protection of a student, including addressing processes required by law:

- processes for how Edmund Rice Education Australia schools/entities will respond to harm, or allegations of harm, to students;
- a process for the reporting by a student to a stated staff member of behaviour of another staff member that the student considers is inappropriate;
- a process for how the information reported to the stated staff member must be dealt with by the stated staff member;
- a process for reporting sexual abuse or suspected sexual abuse in compliance with the *Education (General Provisions) Act 2006*, section 366; and a suspicion of likely sexual abuse in compliance with the *Education (General Provisions) Act 2006*, section 366A; and
- a process for reporting a reportable suspicion under the *Child Protection Act 1999*, section 13E.

These processes apply to all staff members employed by Edmund Rice Education Australia in the Northern Region – the State of Queensland.

# 2. Reporting Processes

This section of the processes sets out a summary of the actions that must be taken if a staff member has concerns or suspicions, or makes allegations about [abuse](#) of, or [harm](#) to, a student or if there is a report of behaviour by a staff member that a student considers is [inappropriate](#). Further detail around these key child protection concepts are contained within the Student Protection Guidelines.

In general terms the process for responding to and reporting student protection concerns is as follows:

Identify	Identify student protection concerns through recognising the <a href="#">signs of abuse</a> and harm, and through <a href="#">disclosures</a> or receipt of information;
Confer	Seek guidance and support – if necessary, <a href="#">confer</a> with the Principal or a School Student Protection Contact, or use resources such as the <a href="#">Child Protection Guide</a> to establish whether a ' <a href="#">reasonable suspicion</a> ' has been
Report	Where a <a href="#">reasonable suspicion</a> of <a href="#">abuse</a> , <a href="#">harm</a> or <a href="#">inappropriate behaviour</a> is formed – report the concerns according to the specific processes outlined in this document;
Support	Remain focussed on the <a href="#">support</a> needs of the student and liaise with the Principal around any planning or actions that are required.

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## 2.1 Conferral with colleagues and accessing support

Engaging in appropriate consultation processes is an important element of responding to concerns around the safety and well-being of students, in order that any decision making process is fully informed.

Staff members may confer (meaning formally consult and document any agreed actions as a record. Conferring is not reporting) with appropriate colleagues, namely the Principal or a Student Protection Contact, in order to establish whether the information to hand may constitute a reasonable suspicion of abuse, harm or inappropriate behaviour. This process is encouraged as a means of ensuring the best possible response to a student concern.

When deciding who to confer with from those identified above, it is important that staff members consider whether any of those nominated colleagues could be involved in any way in the circumstances which give rise to the concern, as this may impact on their ability to be impartial and/or independent (for example, if the colleague is or could be the subject of the concern). If there is the potential that a colleague (who would otherwise be appropriate to consult with) may be involved in any way in the circumstances giving rise to the concern that may impact on their ability to be impartial and/or independent, the staff member must not confer with that person. Staff members must never notify the source of concern or a person potentially involved in the concern, that a student protection concern has been raised about them.

Confidentiality is an important element of conferral processes. Information sharing should be limited to appropriate colleagues (as detailed above) and to the extent necessary to respond to the safety and well-being of a student and to give effect to the processes outlined in this document. The Student Protection Guidelines contain further detail around [confidentiality and information sharing](#).

Again, the purpose of the conferral process is to assist a staff member in determining whether there is a reasonable suspicion of abuse, harm or inappropriate behaviour which gives rise to an obligation to report. A Principal, for example, may have additional information about a student or their family, or another staff member, not known by the staff member, but which:

- Provides greater context to the concerns identified by the staff member
- Changes the seriousness of the concerns, particularly as to whether the harm or risk of harm to a student is “significant”
- Provides greater clarity around whether there is a parent able and willing to protect the student.

In addition to conferring with the School Principal and/or a School Student Protection Contact, a number of practical tools and resources exist to support staff members in their decision making, including the [Queensland Child Protection Guide](#) – an online decision support guide that has been developed to assist professionals to appropriately report or refer families to the Department responsible for Child Safety or other service providers in a timely manner.

Staff members should refer to their Code of Conduct to assist in understanding and responding to inappropriate behaviour by a staff member. The Queensland College of Teachers offers a range of professional standards resources that may also assist.

Staff members can also access Edmund Rice Education Australia’s Director of Safeguarding through the Regional Office on 07 3737 6700.

It is important for staff members to understand that while they may confer, conferring does not replace the staff member’s obligation to report as detailed in these Student Protection Processes.

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## 2.2 Requirement to report sexual abuse or likely sexual abuse to the Queensland Police Service

In accordance with sections 366 and 366A of the *Education (General Provisions) Act 2006*, if a [staff member](#) becomes aware or reasonably suspects in the course of the staff member's employment at the school that a student has been [sexually abused](#) or is [likely to be sexually abused](#) by another person, the staff member must immediately provide a written report using the **Student Protection Report - Form A** to the Principal or the Director of Schools – QLD EREA. The Principal or the Director of Schools – QLD EREA is required by law to immediately forward a copy of the **Student Protection Report - Form A** to the Queensland Police Service. See [Flowchart 1](#).

Where the first person is the Principal of the School, the Principal must immediately make a written report of the concerns directly to the Queensland Police Service and the Director of Schools – QLD EREA using the **Student Protection Report - Form A**. See [Flowchart 2](#).

Where the reasonable suspicion of [sexual abuse](#) or [likely sexual abuse](#) is against the **Principal**, the **Student Protection Report - Form A** must be submitted by the first person to the Director of Schools – QLD EREA, who must immediately forward a copy of the **Student Protection Report - Form A** to the Queensland Police Service.

The Principal or Director of Schools – QLD EREA must, as a matter of urgency, advise the first person that the report has been forwarded to Police. This advice should be in writing where possible.

**NOTE 1: If a reasonable suspicion of sexual abuse or likely sexual abuse is formed a report to the Queensland Police Service is to be made even if there is a [parent able and willing](#) to protect the child from harm.**

Whilst the legislation relating to the mandatory reporting of sexual abuse and likely sexual abuse as outlined above relates only to students under 18 years of age, these processes extend the meaning to include students who are 18 years of age or above.

In addition, whilst the legislation limits the mandatory reporting of sexual abuse or likely sexual abuse of a student to reasonable suspicions formed in the course of the staff member's employment at the school, it is the policy of Edmund Rice Education Australia that all reasonable suspicions of sexual abuse or likely sexual abuse of students, regardless of when they are formed, are reported to Queensland Police in accordance with these processes.

**NOTE 2:** Staff members have a legal obligation to report under sections 366 and 366A of the *Education (General Provisions) Act 2006* ('the Act') which cannot be delegated or transferred. Failure by a staff member to comply with this legal obligation, as required in this document, may breach the Code of Conduct and may result in disciplinary action against the staff member. In addition, a staff member who fails to make a report in accordance with this obligation may also breach the Act and may be charged with this failure. A conviction of such an offence could result in a financial penalty in addition to investigation by the staff member's professional body.

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## 2.3 Reporting significant harm or risk of significant harm to a student where there may not be a parent able and willing to protect the student from harm

### Mandatory reporting responsibilities for approved teachers

Approved teachers have a **mandatory reporting** obligation under section 13E of the *Child Protection Act 1999* to make a report to the Department responsible for Child Safety when a teacher forms a 'reportable suspicion' about a child.

A reportable suspicion is a [reasonable suspicion](#):

- that a child has suffered, is suffering, or is at an [unacceptable risk](#) of suffering, [significant harm](#) caused by [physical abuse](#) or [sexual abuse](#); and
- there may not be a [parent able and willing to protect](#) the child from the harm.

A teacher fulfils this mandatory reporting obligation by:

- Making a written report using the **Student Protection Report - Form A** to their Principal of the reportable suspicion (or if the allegation is against the Principal, to the Director of Schools – QLD EREA) and as a matter of urgency receiving written confirmation from the Principal or Director of Schools – QLD EREA of the date and time that the report was submitted to the Department responsible for Child Safety; or
- Making a report directly to the Department responsible for Child Safety via the [online reporting form](#).

When the Principal or the Director of Schools – QLD EREA receives a report, where a teacher has formed a 'reportable suspicion', they **must**, as a matter of urgency, forward the report to the Department responsible for Child Safety.

Where a Principal themselves forms a 'reportable suspicion', they must make a report directly to the Department responsible for Child Safety.

Teachers are encouraged to make mandatory reports to the Department responsible for Child Safety through their Principal (as described above). However, if a teacher forms a 'reportable suspicion' about a student, the teacher **must** satisfy themselves, as a matter of urgency, that the Principal has provided a report to the Department responsible for Child Safety.

If the teacher does not reasonably suppose that the Principal has provided the report to the Department responsible for Child Safety, the teacher **must, as a matter of urgency**, make the report directly to the Department responsible for Child Safety. Teachers are encouraged to confer with Edmund Rice Education Australia's Child Protection Office on ph 3737 6700 for support in making the mandatory report themselves.

Again, the *Child Protection Act 1999* limits the mandatory reporting of reportable suspicions to those formed in the course of the teacher's engagement at the school. However, it is the policy of Edmund Rice Education Australia that all reasonable suspicions that student has suffered, is suffering or is at unacceptable risk of suffering significant harm and may not have a parent able and willing to protect them from the harm, regardless of when they are formed, are reported to the Department responsible for Child Safety in accordance with these processes.

Where a [staff member](#) reasonably suspects a student has suffered, is suffering or is at [unacceptable risk](#) of suffering [significant harm](#), due to [sexual](#), [physical](#), [emotional/psychological abuse](#) or [neglect](#) and may not

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have a [parent able and willing](#) to protect the student from the harm, then the staff member must make a written report of the concerns to the Principal using the **Student Protection Report - Form A**, who in turn must immediately forward the **Student Protection Report - Form A** to the Department responsible for Child Safety - Regional Intake Service. See [Flowchart 3](#).

Where the allegation is against the **Principal**, the staff member must submit the **Student Protection Report - Form A** to the Director of Schools – QLD EREA who in turn must immediately forward the **Student Protection Report - Form A** to the Department responsible for Child Safety - Regional Intake Service.

The Principal or Director of Schools – QLD EREA or delegate must, as a matter of urgency, advise the staff member that the report has been forwarded to the Department responsible for Child Safety. This advice should be in writing where possible.

Where a Principal themselves reasonably suspects a student has suffered, is suffering or is at unacceptable risk of suffering significant harm, due to sexual, physical, emotional/psychological abuse or neglect and may not have a parent able and willing to protect the student from the harm, they must make a report directly to the Department responsible for Child Safety.

**Copies of all student protection reports are also submitted to the Director of Schools – QLD EREA and must also be recorded on the risk management system by the Principal.**

**NOTE 3:** Teachers have a legal obligation to report under section 13E of the *Child Protection Act 1999*. This obligation cannot be delegated or transferred to another person. As stated, by policy this obligation is extended to all staff members (not just teachers). Failure by staff to comply with the obligation to report, as required in this document, may breach the Code of Conduct and disciplinary action may be taken against the staff member.

## 2.4 Requirement to Report a Child Sexual Offence

In addition to the requirement to report sexual abuse or likely sexual abuse, section 229BC of the *Criminal Code Act 1899* mandates the reporting to the Queensland Police Service of information relating to a child sexual offence. This is a general requirement applying to all adults (18 years or over) when information causes, or ought reasonably to cause, the adult to believe that a child sexual offence is being or has been committed against a child by another adult (for more details see Legislative References).

A report does not have to be made under the *Criminal Code Act 1899* if a report has already been made under the *Education (General Provisions) Act 2006* (reporting sexual abuse or likely sexual abuse) or the *Child Protection Act 1999* (reporting significant harm or risk of significant harm). Therefore, a report will only need to be made under the *Criminal Code Act 1899* if a matter that would constitute a child sexual offence by an adult has not already been reported under the above two acts.

**NOTE 4:** Staff members have a legal obligation to report under section 229BC of the *Criminal Code Act 1899*. This obligation cannot be delegated or transferred. Failure to comply with this legal obligation, as required in this document, may breach the Code of Conduct and disciplinary action may be taken against the staff

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member. Failure to report may also constitute a breach of the *Criminal Code* for which a staff member may be charged and subjected to a fine or imprisonment if convicted.

**IMPORTANT NOTE: Failure to protect from a child sexual offence**

In addition to the requirement to report a child sexual offence, under section 229BB of the *Criminal Code Act 1899* it is a criminal offence for an adult to fail to protect a child from a child sexual offence.

A failure to protect offence will be committed if an adult in a school:

- a) knows there is a significant risk that another adult associated with the school will commit a child sexual offence against a child; and
- b) they have the power or responsibility to reduce or remove the risk; and
- c) they wilfully or negligently fail to reduce or remove the risk.

## 2.5 Requirement to respond to harm or allegations of harm to students

In accordance with section 16 (1) of the *Education (Accreditation of Non-State Schools) Regulation 2017*, a school must have written processes to respond to harm or allegations of harm to a student. Therefore, in addition to the requirements outlined in sections 2.2 and 2.3 above, staff members must respond to any reasonable suspicion in accordance with the required processes that a child has suffered, is suffering or is at unacceptable risk of suffering, significant harm caused by emotional abuse, neglect, self-harm, or harm caused by others - for example, by other students or by other persons in the community.

### 2.5.1 Harm or risk of harm to a student caused by self-harm

Where a staff member forms a reasonable suspicion that a student has self-harmed or is at risk of self-harm, the first priority is the immediate safety of the student, and determining whether the self-injury or risk of self-injury is significant, for example an injury requiring medical attention. The priority in cases of significant self-harm is therefore meeting the immediate medical and psychological needs of the student, which may require the administration of first aid and/or immediate contact with emergency services or mental health services.

The staff member then raises the concern of self-harm with the Principal, and contact should be made with the student's parent/care-provider, unless doing so places the student at further risk of harm.

Where the staff member forms a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of significant harm, as a result of self-harming behaviour AND may not have a parent able and willing to protect the student from harm, (for example refusing to support the student in accessing medical or psychological care), then a written report must be made in accordance with the reporting processes detailed in [section 2.3](#) as a concern of neglect.

### 2.5.2 Harm or risk of harm to a student caused by another student

Where a staff member forms a reasonable suspicion that a student has been harmed or is at risk of being harmed by another student, the first priority is the immediate safety of the student, which will include determining whether the effect on the student is significant, for example, an injury requiring medical attention.

Where there is a significant injury or immediate risk of significant injury to a student, the priority is meeting the medical and safety needs of the student, which may require the administration of first aid, immediate contact with emergency services and contacting the student's parent(s) or care-provider(s).

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Behaviour between students is managed in accordance with Edmund Rice Education Australia's written processes for the conduct of students, or relevant behaviour support guidelines. In cases where criminal offences have been alleged, for example the serious assault of a student by another student over the age of 10 years, parents and care-providers should be made aware of the option to pursue action through the Queensland Police Service. EREA Schools or entities will cooperate with any resulting investigation. Allegations of bullying behaviours, including online behaviours, are managed in accordance with individual School's bullying procedures.

Where a staff member forms a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of significant harm, as a result of student to student behaviours AND may not have a parent able and willing to protect the student from harm, (for example an inability to provide supervision for the student), then a written report must be made in accordance with the reporting processes detailed in [section 2.3](#).

### 2.5.3 Responding to student sexual behaviour

Sexual behaviours of various kinds may be evident in children, particularly in the early years. Some forms of sexual behaviour may be considered developmentally appropriate for the child's age and stage of development. Other behaviours may indicate that the child could have been exposed to inappropriate material or experiences (for example, reports of very young children knowing about and experimenting with oral sex). [Resources](#) such as those published by the Department responsible for Child Safety can assist in identifying age inappropriate sexual behaviour.

Suspicion that a student has been sexually abused may also be formed in some circumstances where a student exhibits concerning sexual behaviour. In these circumstances, a report to the Queensland Police Service is required as outlined in [section 2.2](#) and an assessment of the requirement to report made under [section 2.3](#) is also required.

### 2.5.4 Harm or risk of harm to a student caused by a person not associated with the school or family

There may be some circumstances where a staff member becomes aware of a concern that a student has been harmed, or is at risk of harm, by a person not associated with the school or family. As with the broader responses to harm, consideration must first be given to whether the harm or risk of harm is significant and whether there is a parent able and willing to protect the student from harm.

In circumstances where there is a parent able and willing to protect the student from harm, then the parents must be notified of the concerns as soon as possible. Where there is not a parent able and willing to protect the student and there is a reasonable suspicion of significant harm or risk of harm, then the reporting process detailed in [section 2.3](#) must be followed.

Where the risk is immediate, for example the abduction of a student walking to school, then the Queensland Police Service must be contacted immediately.

## 2.6 Responding to concerns that do not meet the threshold for reporting

A staff member may identify concerns regarding a student that ultimately do not form a reasonable suspicion of sexual abuse, likely sexual abuse or significant harm, however, indicate that without support or intervention a student and/or their family are at risk of entering the child protection system.

These concerns should be raised with the Principal, who may refer the student/and or their family to the appropriate service. This may include support options through the school, such as the School Counsellor, or to community based options such as Family and Child Connect.

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The Student Protection Guidelines provide detail around the options that are available to [support students and families](#).

## 2.7 Responding to allegations against staff members, including the Principal, and volunteers

In accordance with section 16 (2) of the *Education (Accreditation of Non-State Schools) Regulation 2017*, a school must have a process for the reporting of staff behaviour that a student considers to be [inappropriate](#).

Additionally, a school must have a process to respond to the reported staff inappropriate behaviour.

Therefore, if a staff member becomes aware of staff behaviour that a student considers to be inappropriate, the staff member must report this behaviour in accordance with the designated process without delay.

A staff member's failure to report may constitute a breach of the Code of Conduct and disciplinary action may be taken against the staff member.

### 2.7.1 Allegations of sexual abuse or likely sexual abuse against a staff member, volunteer or other contracted group/Individual

A staff member may form a reasonable suspicion that a student has been sexually abused or is likely to be sexually abused by a staff member or volunteer.

In these circumstances, the reporting processes detailed in [section 2.2](#) must be followed. The processes detailed in sections 2.7.1.1 to 2.7.1.7 must then be followed.

#### 2.7.1.1 Action to be taken subsequent to a student protection report concerning the conduct of a staff member, volunteer or contracted group/Individual

##### 2.7.1.2 Role of Edmund Rice Education Australia Northern Region Office staff

When a report is submitted Queensland Police that relates to the behaviour of a staff member, other employee, volunteer or contracted group/individual, overall case management will be provided by a delegate appointed by the Director of Schools – QLD EREA who will work in association with the Principal/Entity Director. It is important for the case manager to establish communication with the Officer-in-Charge and/or the investigating officer within Queensland Police Service so that information may be shared as appropriate. This communication may be facilitated through the Principal/Entity Director. The EREA Director of Safeguarding is also available to provide assistance and support to students/children and staff in managing what can be complex issues.

Following the provision of the Student protection report to the Queensland Police Service, an investigation into the suspected abuse/harm should not be conducted by or on behalf of Edmund Rice Education Australia Northern Region until confirmation is received from the Queensland Police Service about the status of their enquiries. However, the Director of Schools – QLD EREA (or delegate) will take immediate steps to ensure that a risk assessment is undertaken. As a result of the risk assessment, and following consultation with the Queensland Police Service regarding the timing of any proposed suspension, the staff member, other employee, volunteer or contracted group/individual may be suspended from his/her duties, or have his/her duties restricted. If the employee is not a staff member of Edmund Rice Education Australia Northern Region, the appropriate steps in this regard will be taken by Director of Schools – QLD EREA (or delegate) in association with the person's employer.

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After discussions with the Queensland Police Service and upon their advice, Director of Schools – QLD EREA or delegate will inform the parent(s) or carer(s) of the student/s – child/ren involved, that a Student protection report has been made in relation to suspected abuse/harm of the student/child by a staff member, other employee, volunteer or contracted group/individual. Appropriate confidentiality of the matter will be discussed.

The Director of Schools – QLD EREA will keep a copy of the Student protection report in a confidential file. The Director of Schools – QLD EREA (or delegate) will establish liaison with the Queensland Police Service to assist in the management of the issue.

**Upon the commencement of any investigation by Edmund Rice Education Australia Northern Region into an allegation of harm of a student/child by a registered teacher, the Director of Schools – QLD EREA (or delegate) will make a written notification to the Queensland College of Teachers.**

If the Student protection report concerns the behaviour of a staff member or volunteer who is a cleric or member of a religious order, or who was a cleric or member of a religious order at the time of the alleged behaviour, the Director of Schools – QLD EREA (or delegate), after discussion with the Queensland Police Service and on their advice, will ensure that the relevant church authority is informed without delay. The Director of Schools – QLD EREA will inform the Director of the Office of Professional Standards (Qld) (*Towards Healing*) as soon as practicable.

#### **2.7.1.3 Notifying the staff member, volunteer or contracted group/individual**

The Director of Schools – QLD EREA (or delegate) will seek advice from the Queensland Police Service as to when the staff member, volunteer or contracted group/individual should be informed of the allegation. As soon as it is deemed appropriate to inform the staff member, volunteer or contracted group/individual, a meeting will be held between the staff member, volunteer or contracted group/individual and the Director of Schools – QLD EREA (or delegate). The staff member, volunteer or contracted group/individual will be advised that he/she can have a support person at this meeting. At the meeting, the staff member, volunteer or contracted group/individual will be informed that a suspicion of harm or abuse/unacceptable risk of abuse has been reported about him/her and whether this information has been reported to the Queensland Police Service. The requirement for the staff member, volunteer or contracted group/individual to observe confidentiality will also be advised. He/she will also be given the details of a nominated person to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support. The information communicated verbally at the meeting will also be provided in writing. The staff member will be reminded that he/she may access the confidential counselling services available through the Employee Assistance Program. If the employee is not a staff member of Edmund Rice Education Australia Northern Region, the appropriate steps in this regard will be taken in association with that person's employer.

#### **2.7.1.4 Suspension from duties**

If as a result of a risk assessment it is decided that the staff member should be suspended from his/her duties, or have their duties restricted, the Queensland Police Service should be consulted to ensure that the timing and circumstances of the person being informed of this does not unnecessarily interfere with Queensland Police Service inquiries. Decisions regarding suspension will be made with the rights of an employee being balanced with the best interests of the student/child, however, the welfare and best interests of any students/children involved will be paramount.

The staff member concerned will be informed of the decision to suspend or restrict his/her duties. The basis for this decision will be provided to the staff member in writing following the meeting at which this information has been communicated verbally. He/she will also be given the details of a nominated person to

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contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support.

In the case of a staff member being named as the cause of concern in a Student protection report he/she will be reminded that he/she may access the free confidential counselling services available through the Employee Assistance Program.

A staff member will normally continue on full pay during the suspension period unless disqualified or prevented from performing his/her duties by an external authority. The Director of Schools – QLD EREA (or delegate) will discuss with the person what statement, if any, will be made to staff and or the school/entity/community concerning his/her absence from school/entity. The contents of any such statement may be limited by legislation.

If the employee is not a staff member of Edmund Rice Education Australia Northern Region, the appropriate steps will be taken in association with that person's employer in this regard.

#### **2.7.1.5 Pastoral care and support**

Pastoral care and support will be offered to the student/child and his/her family, to the staff member, employee or volunteer against whom the allegation has been made, and any others involved. The welfare and best interests of any students/children involved will be paramount and advice will be sought from the Director of Schools – QLD EREA about appropriate support for the student/child and his/her family.

After a matter relating to the behaviour of a staff member, volunteer or contracted group/individual is reported to the Queensland Police Service there can be one of two outcomes. These can be summarised as follows:

- Conviction of a criminal offence; or
- No conviction. (Queensland Police Service may decide not to investigate, to discontinue an investigation or not to lay a charge following an investigation, a prosecution may not go ahead following a charge having been laid, or a matter may go to court but not result in a conviction).

In addition to the scenarios set out above, EREA Northern Region may become aware that a staff member, volunteer, contracted group/individual has been under investigation or has been prosecuted for an offence against a student/child in circumstances where a student protection report has not been made by an EREA Northern Region staff member.

The procedure below will be followed for the scenarios set out above. Where the matter involves a volunteer or contracted group/individual who is not a staff member of Edmund Rice Education Australia Northern Region, action will be taken, with the relevant employer if necessary, to deal with the matter in a manner that is consistent with the procedures outlined in this document as they apply to an employee of EREA Northern Region.

Where the staff member, employee or volunteer concerned is a cleric or member of a religious order, or was a cleric or member of a religious order at the time of the alleged behaviour the Director of Schools – QLD EREA will ensure that the relevant church authority is informed without delay and this action documented. The Director of Schools – QLD EREA will also inform the Director of the Office of Professional Standards Qld (*Towards Healing*) as soon as practicable.

#### **2.7.1.6 Conviction**

If a current staff member or volunteer is convicted in a court of law for an offence against a student/child that is deemed to be an act of serious professional misconduct, then the Executive Director, Edmund Rice Education Australia, will proceed to dismiss the staff member or volunteer. The Executive Director, Edmund

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Rice Education Australia, (or delegate) will document the outcome of the court proceedings in the formal communication regarding the termination of the staff member's or volunteer's employment.

If the staff member or volunteer who is convicted is a teacher, the Executive Director, Edmund Rice Education Australia, (or delegate) will inform the Queensland College of Teachers in writing of the conviction.

If the conviction is for a charge that is deemed to be less than serious misconduct but is contrary to the EREA *Code of Conduct*, then the Executive Director, Edmund Rice Education Australia, will proceed to take disciplinary action against the staff member or volunteer.

The pastoral care of student/s and staff will be monitored and support offered.

#### **2.7.1.7 No conviction**

The future of a court to record a conviction against the staff member, volunteer or contracted group/individual against whom a charge has been laid or a decision by the Queensland Police Service not to charge or prosecute, does not necessarily mean that the allegation was unwarranted and that the staff member, volunteer or contracted group/individual has no case to answer as a staff member, volunteer or contracted group/volunteer within an EREA Northern Region school/entity. The fact that a staff member, volunteer or contracted group/individual has been found 'not guilty' of an offence does not automatically mean that a matter has been closed.

The standard of proof required for disciplinary action within the employer-employee relationship is '*on the balance of probabilities*', rather than the criminal standard of '*beyond reasonable doubt*'. In addition, a serious breach of the EREA *Code of Conduct* may not be a criminal offence. For this reason, the matter concerned must still be appropriately dealt with by EREA as a disciplinary matter.

A level 2 intervention process, as detailed in section 2.8, will be implemented in the situation where the outcome of a mandatory student protection report to either the Queensland Police Service or the Department responsible for Child Safety in relation to a staff member is finalised by the relevant State Authority with no further investigation or action being taken on their part.

When EREA Northern Region becomes aware that a Queensland Police Service investigation or prosecution will not proceed, that a person has not been found guilty of an offense with which they have been charged or that a conviction has not been recorded, a risk assessment will be carried out by the Director of Schools – QLD EREA and a recommendation will be made to the Executive Director, Edmund Rice Education Australia, in relation to the staff member's employment. Documents on the public record as a result of court proceedings, and/or materials made available as a result of a Queensland Police Service investigation may be considered as part of any investigation conducted by or on behalf of Edmund Rice Education Australia Northern Region.

#### **2.7.2 Allegations of sexual abuse or likely sexual abuse against a Principal**

A staff member may form a reasonable suspicion that a student has been sexually abused or is likely to be sexually abused by the school Principal.

In these circumstances, the reporting processes detailed in [section 2.2](#) must be followed and the report from the staff member must be made to the Director of Schools – QLD EREA, not the Principal.

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The processes detailed in section 2.7.1.1 to 2.7.1.7 must then be followed.

**IMPORTANT NOTE: Sexual Activity between staff members and students**

**The involvement of any staff member or volunteer within a school in sexual activity with, or sexual exploitation of, a student attending that school is always to be regarded as sexual abuse.**

### 2.7.3 Allegations of harm against a staff member, volunteer or contracted groups/individual

A staff member may form a reasonable suspicion that a staff member, volunteer or other contracted group/individual has harmed a student. In these circumstances, follow processes detailed in Section 2.3 when there may be **no** parent willing and able to protect the student. In these circumstances, staff members should use the **Student Protection Report - Form A** and follow the processes outlined in Section 2.3.

Where there **is** a parent willing and able to protect the student, these allegations are reported and dealt with in accordance with Level 2 intervention processes detailed in Section 2.8. The staff member **must** report the matter to the Principal/Entity Director or another Student/Child Protection Contact and complete a Part A (Record of Concern) of the Student Protection Report – Form A and submit it to the Principal/Entity Director.

If the student/child has experienced significant physical harm, (for example, bruises and nonaccidental injuries), the Principal/Entity Director **must** inform the parents that they may notify the Queensland Police Service of the assault. The Principal/Entity Director **must** make a record of this discussion and keep it in a confidential file at the school/entity. Depending on the circumstances, the Director of Schools – QLD EREA (or delegate) may make a report to the Queensland Police Service.

### 2.7.4 Allegations of harm against a Principal

A staff member may form a reasonable suspicion that a Principal has harmed a student. In these circumstances, follow processes detailed in Section 2.3 when there may be **no** parent willing and able to protect the student. In these circumstances, staff members should use the **Student Protection Report - Form A** and follow the processes outlined in Section 2.3.

Where there **is** a parent willing and able to protect the student, these allegations are reported and dealt with in accordance with Level 2 intervention processes detailed in Section 2.8. The staff member **must** report the matter to the Director of Schools – QLD EREA and complete Part A (Record of Concern) of the Student Protection Report - Form A and submit it to the Director of Schools – QLD EREA.

If the student/child has experienced significant physical harm, (for example, bruises and nonaccidental injuries), the Director of Schools – QLD EREA **must** inform the parents that they may notify the Queensland Police Service of the assault. The Director of Schools – QLD EREA **must** make a record of this discussion and keep it in a confidential file at the school/entity.

Depending on the circumstances, the Director of Schools – QLD EREA (or delegate) may make a report to the Queensland Police Service.

### 2.7.5 Allegations of inappropriate behaviour against a staff member, volunteer or contracted group/individual

A staff member who:

- reasonably suspects inappropriate behaviour by a staff member towards a student/child, which does NOT involve sexual abuse or likely sexual abuse; or

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- becomes aware of a complaint or report in relation to behaviour by a staff member towards a student/child that a student/child (or a student's/child's parent or another person) considers to be inappropriate, but which does NOT involve sexual abuse or likely sexual abuse, **must** report the matter to the Principal/Entity Director or another Student/Child Protection Contact and complete Part A (Record of Concern) of the Student Protection Report - Form A and submit it to the Principal/Entity Director. If the report is about the Principal/Entity Director, Part A (Record of Concern) of the Student Protection Report - Form A **must** be submitted to the Director of Schools – QLD EREA.

#### 2.7.5.1 Student Protection Contact (SPC)

If a concern is reported to a Student Protection Contact other than the Principal/Entity Director, the Student/Child Protection Contact **must** submit Part A (Record of Concern) of the Student Protection Report - Form A to the Principal/Entity Director without delay, unless the report of inappropriate behaviour is made against the Principal/Entity Director, in which case the Student/Child Protection Contact **must** submit Part A (Record of Concern) of the Student Protection Report - Form A to the Director of Schools – QLD EREA.

#### 2.7.5.2 Principal/Entity Director – Director of Schools – QLD EREA

A Principal/Entity Director or Director of Schools – QLD EREA who:

- reasonably suspects inappropriate behaviour of a staff member/Principal/Entity Director towards a student/child, which does **NOT** involve sexual abuse/likely sexual abuse; or
- becomes aware of a complaint or report in relation to a staff member's/Principal's/Entity Director's alleged behaviour towards a student/child that a student/child (or a student's/child's parent) considers to be inappropriate but which does **NOT** involve sexual abuse/likely sexual abuse, **must** take action in relation to the matter and document it in accordance with the following requirements for a **Level 1** or **Level 2** intervention as detailed in sections 2.7 and 2.8.

In some circumstances a **Level 2** intervention will also require a Student protection report to the Department responsible for Child Safety under **section 2.3** of these processes (if the student has suffered, is suffering or is at unacceptable risk of suffering significant harm and there may not be a parent able and willing to protect the student from harm). Additionally, if the staff member's alleged behaviour results in significant physical harm to a student/child a Student protection report to the Queensland Police Service may be required to be made. The Principal/Entity Director will be advised by Director of Schools – QLD EREA if these actions are required following the submission of the **Level 2** intervention request to the Director of Schools – QLD EREA.

#### 2.7.6 Allegations of inappropriate behaviour against a Principal

A staff member may form a reasonable suspicion that a Principal has behaved inappropriately towards a student. In these circumstances, the staff member **must** report the matter to the Director of Schools – QLD EREA and complete submit Part A (Record of Concern) of the Student Protection Report - Form A and submit it to the Director of Schools – QLD EREA. The processes detailed in section 2.7 and 2.8 are then followed as applicable.

## 2.8 Dealing with inappropriate behaviour

### 2.8.1 Intervention and reporting levels

There are two intervention levels that may be used when responding to alleged inappropriate behaviour by a staff member towards a student/child:

Level 1 – Reports of minor inappropriate behaviour; or

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Level 2 – Reports of repeated serious\* or more complex inappropriate behaviour (which does **NOT** involve sexual abuse/likely sexual abuse which is reportable under **section 2.2** of this document).

The Principal/Entity Director (or Director of Schools – QLD EREA where the report is against the Principal/Entity Director) will determine as quickly as possible the level of response required (Level 1 or Level 2 as detailed below) and action the appropriate procedures to be followed. Guidance on determining the appropriate response can be obtained from the Director of Schools – QLD EREA. The EREA Student Protection Officer can assist the Director of Schools – QLD EREA when required.

### 2.8.2 Level 1 intervention – situations that constitute minor inappropriate behaviour

A level 1 Intervention relates to reports of minor inappropriate behaviour by a staff member. A typical incident covered by Level 1 intervention could include a one-off report of minor inappropriate behaviour by a staff member.

Level 1 incidents relate to reports that, if substantiated, may constitute a minor breach of the EREA *Code of Conduct*. When reports relate to repeated or multiple minor breaches reported at the same time, they may need to be actioned differently as explained in **section 2.8** of this document.

A Level 1 Intervention **must not** be undertaken if there is a report or reasonable suspicion of significant harm/unacceptable risk of significant harm of a student/child caused by a staff member. A Level 2 Intervention **must be requested** in these circumstances (and in some cases, a student protection report may also be required to be made to the Department responsible for Child Safety if there may not be a parent able and willing to protect the student/child from the harm and/or the Queensland Police Service in the case of significant physical harm to a student/child).

A level 1 Intervention is carried out by the Principal/Entity Director (or the Director of Schools – QLD EREA if the report is against the Principal/Entity Director). A documented record of the actions taken and of the outcomes is provided to the Director of Schools – QLD EREA at the end of the intervention process.

Reports giving rise to a Level 1 Intervention are generally resolved through processes that are managed locally by the Principal/Entity Director and may include such responses as supervisory guidance and correction and in some cases mediation and/or conciliation. If the report involves the Principal/Entity Director, the response is coordinated by the Director of Schools – QLD EREA.

### 2.8.3 Level 1 intervention responsibilities

#### (a) *Principal/Entity Director (or Director of Schools – QLD EREA)*

The Level 1 Intervention response to a complaint or report against a staff member will be coordinated locally by the Principal/Entity Director (or Director of Schools – QLD EREA where the report is against the Principal/Entity Director). The Principal/Entity Director (or Director of Schools – QLD EREA) will determine how to best address the situation with the staff member (or Principal/Entity Director) and how to initiate any consequences that may be determined to be appropriate. This might involve consultation with relevant persons such as the EREA Director of Safeguarding.

Where a report of inappropriate behaviour is made against a staff member who is a cleric or member of a religious order, or who was a cleric or member of a religious order at the time of the alleged behaviour, the Principal/Entity Director will inform the Director of Schools – QLD EREA as soon as possible. The Director of Schools – QLD EREA will ensure that the relevant church authority is informed. This action should be documented.

The resolution of all minor incidents remains the responsibility of the Principal/Entity Director (or the Director of Schools – QLD EREA where the report is against the Principal/Entity Director). The

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Principal/Entity Director will normally seek advice from the Director of Schools – QLD EREA or his delegate to formulate a plan to address the issue with the staff member. Strict confidentiality shall be maintained regarding the matter.

Should a staff member deny or contest the allegation of inappropriate behaviour towards a student/child, the Principal/Entity Director (or, if the matter involves the Principal/Entity Director, the Director of Schools – QLD EREA) must decide whether or not further information gathering at the school/entity level is required or whether management guidance will suffice. The decision regarding whether to, and how to, gather further information will depend on factors such as the seriousness of the allegation, the attitude of the complainant(s), any record of past reports of inappropriate behaviour on the part of the respondent and the likelihood of an allegation being able to be substantiated given the circumstances.

A Level 1 Intervention Report should be completed by the Principal/Entity Director (or Director of Schools – QLD EREA). The Level 1 Intervention Report will include:

- the details and circumstances of the reported matter;
- the action taken by the Principal/Entity Director (or Director of Schools – QLD EREA) to assess the matter; and
- the outcome.

The outcome should also:

- document the staff member's account of the incident;
- state whether or not the behaviour alleged has been admitted to or not by the staff member; and
- should contain clear details of the advice/guidance that has been provided to the staff member.

The outcome should also indicate if the behaviour alleged is assessed to be contrary to the EREA *Code of Conduct*.

A staff member may admit inappropriate behaviour. The inappropriate behaviour will then be addressed through documented management guidance and/or correction. Conciliation/mediation may be provided if desired by the complainant.

At the completion of the intervention process and following review of the matter by Director of Schools – QLD EREA (or delegate) the staff member will be formally advised of the outcome. The parent/carer of the student/child concerned is to be advised in writing of the completion of the intervention unless there are extraordinary reasons why this should not occur, in which case the reasons should be documented. Any other complainants (including students) are also advised of the completion of the intervention.

The original of the Level 1 Intervention Report should be kept on a confidential file at the school/entity level (or by the Director of Schools – QLD EREA if the report concerns the Principal/Entity Director). A copy of the Level 1 Intervention Report is forwarded to the Director of Schools – QLD EREA.

**(b) Edmund Rice Education Australia Northern Region Office Staff**

The Director EREA Northern Region Support (or delegate) is responsible for ensuring that Level 1 Intervention Reports are checked for completeness, accuracy, and relevance, and whether any previous Level 1 Intervention Reports have been received concerning the staff member.

Where previous level 1 Intervention Reports have been received concerning the staff member, the Director of Schools – QLD EREA will determine what further action, if any, needs to be taken.

The Director of Schools – QLD EREA will receive and keep the level 1 Intervention Report in a confidential file.

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#### 2.8.4 Pastoral care and support

Pastoral care and support will be offered to the student/child concerned and their family, to the staff member against whom the report has been made, and any others involved. The welfare and best interests of any students/children involved will be paramount and advice may be sought from the EREA Student Protection officer about appropriate support for the student/child and his/her family.

### 2.9 Level 2 intervention – situations that constitute repeated, serious or more complex inappropriate behaviour

Level 2 Interventions relate to reports of repeated, serious or more complex inappropriate behaviour by a staff member towards a student/child (including significant physical or emotional harm to a student/child). Such behaviour, if substantial, would constitute misconduct and would justify a formal disciplinary sanction, against the staff member. A Level 2 Intervention **must not** be undertaken if there is a report or reasonable suspicion of sexual abuse or likely sexual abuse of a student/child. The appropriate interventions for such situations are covered in **section 2.2** of this document.

A Level 2 Intervention **must** be undertaken if there is a report or reasonable suspicion that significant harm/unacceptable risk of significant harm to a student/child has been caused by a staff member, volunteer or contracted group/individual where there is a parent able and willing to protect the student/child from the harm.

Examples of repeated, serious or more complex inappropriate behaviour requiring a Level 2 intervention request include but are not restricted to:

#### Repeated Behaviours

- repeated behaviour of a kind that has previously been dealt with by a Level 1 Intervention(s)
- multiple instances of behaviour, reported at or about the same time, of a type that would normally be dealt with by a Level 1 intervention, but which taken together could justify a formal disciplinary sanction
- significant repeated victimisation
- other repeated inappropriate behaviours

#### Serious Behaviours

- serious inappropriate physical contact \*
- serious emotional abuse
- aggressive or abusive interactions (verbal/nonverbal/physical)
- other serious inappropriate behaviour

#### Complex Behaviours

- multiple boundary violations in one incident
- personal circumstances for the student/child such as mental health issues, history of trauma or disability
- personal circumstances for the staff member
- other complex inappropriate behaviour

*\*Even minor assaults can be criminal offences. The management of these matters will depend on factors like the seriousness and circumstances of the allegation, the wishes of the parties involved, whether the Queensland Police Service have been involved, and whether the staff member, volunteer or contracted group/individual has a previous history of similar conduct. If it is reasonably suspected that harm has been*

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*caused or there is an unacceptable risk of harm the Principal/Entity Director must also consider the appropriate response described under sections 2.3, 2.6.3 and 2.6.4 of this document.*

A Level 2 Intervention is carried out under the authority of the Director of Schools – QLD EREA, or delegate. The matter is formally reported to the Director of Schools – QLD EREA at the commencement and end of the intervention process.

A Level 2 Intervention is initiated by the Principal/Entity Director (or the Director of Schools – QLD EREA in the case of a report against a Principal/Entity Director) formally notifying Director of Schools – QLD EREA (or the Executive Director, Edmund Rice Education Australia if the report is against a Principal/Entity Director) of the report. If, in the opinion of the Principal/Entity Director a more formal investigation is warranted because the matter is repeated, serious or more complex, a Level 2 Intervention request, including the rationale for the request, should be made to the Director of Schools – QLD EREA to obtain authorisation for an investigation. A formal investigation (as opposed to information gathering to allow an assessment of the case to be made) **must not** be undertaken at the school/entity level without the authorisation of the Director of Schools – QLD EREA.

A Level 2 Intervention process will also be implemented in the situation where the outcome of a mandatory Student protection report to either the Queensland Police Service or the Department responsible for Child Safety in relation to a staff member is finalised by the relevant State authority with no further investigation or action being taken on their part.

### **2.9.1 Level 2 intervention responsibilities**

#### **(a) Principal/Entity Director (or Director EREA Northern Region Support)**

As soon as the Principal/Entity Director (or Director of Schools – QLD EREA) is aware that the report is of such a nature as to require a Level 2 Intervention, a Level 2 Intervention request **must be** completed and forwarded to the Director of Schools – QLD EREA without delay.

Where a report is made against a staff member who is a cleric or member of a religious order, or who was a cleric or member of a religious order at the time of the alleged behaviour, the Principal/Entity Director (or Director of Schools – QLD EREA where the report is against the Principal/Entity Director) will inform the Director of Schools – QLD EREA as soon as possible. The Director of Schools – QLD EREA will ensure that the relevant church authority is informed and that the actions taken are documented.

#### **(b) Edmund Rice Education Australia Northern Region office personnel**

On receipt of a Level 2 Intervention request, Director of Schools – QLD EREA (or delegate) will assess the matter and determine how it is to be progressed. The Director of Schools – QLD EREA (or delegate) will consider the details of the report and the rationale for the Level 2 Intervention request and as necessary will seek clarification of any issues related to it by consulting with relevant persons. The Director of Schools – QLD EREA (or delegate) will also consider any previous reports on file of inappropriate behaviour made against the staff member.

If the Director of Schools – QLD EREA forms the view that the matter should be handled as a Level 1 Intervention, the matter is referred back to the Principal/Entity Director.

If the Director of Schools – QLD EREA forms the view that a Level 2 Intervention is appropriate, a decision is made as to who should most appropriately conduct an investigation into the allegation. The Director of Schools - QLD EREA may authorise the Principal/Entity Director or an external party to conduct the investigation.

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The Director of Schools - QLD EREA (or delegate) will take immediate steps to ensure that a risk assessment is carried out to determine if the staff member subject to the allegations should continue to be allowed to work in the school/entity. As a result of the risk assessment, the staff member may be suspended from his/her duties, or have his/her duties restricted.

If the Director of Schools - QLD EREA forms the view that the matter involves an allegation or reasonable suspicion of sexual abuse or likely sexual abuse of a student/child, the Director EREA Northern Region Support **must immediately** make a mandatory Student protection report (see section 2.2) if the matter has not already been reported by the Principal/Entity Director. If the student/child has suffered significant harm or an unacceptable risk of harm the Director of Schools - QLD EREA must also consider the appropriate response to be made under **Sections 2.3, 2.6.3 and 2.6.4** of this document which includes assessing the appropriateness of making a Student protection report to the Queensland Police Service or the Department responsible for Child Safety if the matter has not already been reported by the Principal/Entity Director.

The Director of Schools - QLD EREA (or delegate) will inform the parent or carer of the student/child towards whom the inappropriate behaviour is alleged to have occurred in writing that an investigation into the matter has been authorised. The name of a contact person who can provide information about the process being followed will also be provided.

### 2.9.2 Notifying the staff member

As soon as the Director of Schools - QLD EREA (or delegate) deems it to be appropriate to inform the staff member, a meeting will be held between the staff member and the Director of Schools - QLD EREA (or delegate). The staff member will be advised that he/she can have a support person at this meeting. At the meeting, the staff member will be informed that a report of inappropriate behaviour has been made against him/her, and will be provided with the details of the reported inappropriate behaviour and advised that an investigation into the matter has been authorised. The requirement for the staff member to observe confidentiality will also be advised. The staff member will be reminded that he/she may access the confidential counselling services available to all staff members through the Employee Assistance Program. He/she will also be given the details of a nominated person to contact who will be available to provide support regarding the processes being undertaken and to facilitate the accessing of other support. The information communicated verbally at the meeting will also be provided in writing. In circumstances where it is not possible to meet with the staff member, all required information will be advised in writing.

### 2.9.3 Suspension from duties

If as a result of a risk assessment it is decided that the staff member should be suspended from his/her duties, or have their duties restricted, the staff member concerned will be informed of the decision to suspend him/her or restrict his/her duties. The basis for this decision will be provided to the staff member in writing following the meeting at which this information has been communicated verbally. The staff member will be reminded that they may access the confidential counselling services available to all staff members through the Employee Assistance Program. He/she will also be given the details of a nominated person to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support.

The staff member will normally continue on full pay during the suspension period unless disqualified or prevented from performing his/her duties by an external body. The Director of Schools - QLD EREA (or delegate) will discuss with the person what statement, if any, will be made to staff and the school/entity community concerning his/her absence from school/entity. Any such statement will be subject to restrictions contained in legislation.

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#### 2.9.4 Pastoral care and support

Pastoral care and support will be offered to the student/child and his/her family, the staff member against whom the report has been made, and any others involved. The welfare and best interests of any students involved will be paramount and advice should be sought from the Director of Schools - QLD EREA about appropriate support for the student/child and his/her family.

#### 2.9.5 Investigation process

The investigator shall as soon as possible arrange for a meeting to be held to inform the staff member of the specific nature of the allegation(s). Prior to the meeting, the staff member will be advised that he/she can have a support person at this meeting. He/she will be reminded of the free confidential counselling services available to all staff members through the Employee Assistance Program. A written record of the allegation(s) will be provided and the staff member will be asked to reply to the allegation(s) within a reasonable time (normally five but no more than ten working days).

The investigator will contact the parent(s) or carer of the student(s)/child/ren against whom the inappropriate behaviour is alleged to have occurred and the following issues will be discussed:

- the allegation that has been made and the decision to investigate;
- the investigation process;
- the provision of parental/carer permission for the student to be interviewed;
- student/parent/carer views, concerns and support needs;
- the communication process for the parent/carer to be updated re the investigation and other related issues; and
- the need for confidentiality.

If the investigator determines that it is desirable for other students/children (e.g. students/children named as witnesses) to be interviewed, the above guidelines relating to parents/carers will be followed in relation to them.

In conducting the investigation the investigator shall ensure that appropriate confidentiality is maintained.

If during the course of the investigation the investigator forms the view that the matter involves an allegation or reasonable suspicion of sexual abuse/likely sexual abuse of a student/child or an allegation or reasonable suspicion that a student/child has suffered or is at an unacceptable risk of suffering harm caused by abuse/neglect to a student/child then:

- if the investigator is a staff member of Edmund Rice Education Australia Northern Region, he/she **must immediately** make a mandatory student protection report in relation to sexual abuse/likely sexual abuse (see **section 2.2**) and a student protection report to the Department responsible for Child Safety where appropriate (see **section 2.3**); or
- If the investigator is not a staff member of Edmund Rice Education Australia Northern Region he/she **must immediately** make a written report to the Director EREA Northern Region Support (or delegate) who will then **immediately** make a mandatory student protection report in relation to sexual abuse/likely sexual abuse (see **section 2.2**) or a student protection report to the Department responsible for Child Safety where appropriate (see **section 2.3**).

At the conclusion of the investigation, a written report, outlining the process of investigation, the evidence gathered, and the conclusions reached will be provided to the Director of Schools - QLD EREA by the investigator. The report will indicate whether, in the investigator's opinion, the allegation(s) are substantiated on the balance of probabilities and, where required, whether the EREA *Code of Conduct* has been breached.

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The Director of Schools - QLD EREA will receive and keep the investigation report in a confidential file and send a copy of the report to the Executive Director, Edmund Rice Education Australia.

The Director of Schools - QLD EREA (or delegate) is responsible for informing the Principal/Entity Director of the outcome of the investigation. The Director of Schools - QLD EREA (or delegate) advises the parent/carer of the student/child concerned of the outcome unless there are extraordinary reasons why this should not occur, in which case the reasons should be documented.

The Director of Schools - QLD EREA (or delegate) is responsible through the Principal/Entity Director for implementing appropriate support processes for students/children and staff to prevent further harm, enable students/children to feel emotionally and physically safe and repair relationships.

#### **2.9.6 Determination of misconduct**

If, following the presentation of the investigation report, the Director EREA Northern Region Support (or delegate) has determined that allegations of inappropriate behaviour are substantiated and that they constitute misconduct, the Director of Schools - QLD EREA (or delegate) will communicate this in writing to the staff member and advise the Principal/Entity Director accordingly.

If the Director of Schools - QLD EREA is not considering terminating the staff member's employment, the staff member will receive a letter stating the seriousness of the misconduct, any disciplinary action and a warning that further substantiated misconduct may lead to termination of the staff member's services.

If on the evidence the Director of Schools - QLD EREA is considering the termination of the staff member's services, then the Director of Schools - QLD EREA will provide the staff member with a timeframe within which the staff member is given the opportunity to show cause as to why his/her employment should not be terminated. The Director of Schools - QLD EREA will consider any submission that the staff member chooses to make in response within the timeframe given. Following receipt of the submission from the staff member, the Director of Schools - QLD EREA will make a decision in relation to the staff member's employment status and will communicate this in writing to the staff member.

The relevant authorities will be advised, where appropriate, if a staff member's employment is terminated by the Director of Schools - QLD EREA.

#### **2.9.7 No determination of misconduct**

If, following the presentation of the investigation report, the Director of Schools - QLD EREA has determined that the allegations of inappropriate behaviour are not substantiated and therefore no misconduct is substantiated the Director of Schools - QLD EREA (or delegate) will communicate this in writing to the staff member and advise the Principal/Entity Director accordingly.

#### **2.9.8 Finalisation**

The Director of Schools - QLD EREA (or delegate) will advise the parent/carer of the student/child concerned in writing of the completion of the Intervention unless there are extraordinary reasons why this should not occur, in which case the reasons should be documented. Any other complainants (including students) are also advised of the completion of the intervention.

Pastoral care and support will be offered to the student/child and their family, the staff member against whom the allegation has been made, and any others involved. The welfare and best interests of any student/child involved will be paramount.

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If the staff member continues to work at the school/entity, the Principal/Entity Director will support the pastoral care of the staff member, and the staff member will be reminded of the confidential counselling services available to all staff members through the Employee Assistance Program. Reasonable steps will be taken by the Principal/Entity Director to manage risks and to provide appropriate ongoing supervision of, and support for, the staff member.

If the staff member has been stood down during the investigation and returns to work at the school/entity, all reasonable steps will be taken by the Principal/Entity Director to assist the staff member to reintegrate into the school community.

## 2.10 Situations involving volunteers, or employees who are not staff members of Edmund Rice Education Australia or contracted group/individual

If the person against whom a report of inappropriate behaviour has been made is a volunteer or an employee who is not a staff member of Edmund Rice Education Australia or a contracted group/individual, the Principal/Entity Director will take appropriate steps, with the relevant employer as necessary, to deal with the matter in a manner that is consistent with the procedures outlined in this document as they apply to a staff member of Edmund Rice Education Australia Northern Region.

**All staff members should report any concerns of inappropriate behaviour towards a student by a volunteer, other employees who are not staff members of EREA Northern Region or contracted group/individual to the Principal/Entity Director.**

## 3. After the report is made

Once a report is made under these processes, consideration must be given to any ongoing or resulting action that is required. This includes:

- Follow up by the Principal with Queensland Police Service and/or the Department responsible for Child Safety to confirm both receipt of the report, and any action that these agencies may take;
- Implementing any risk management and pastoral [support processes](#) to address the safety and well-being of students, particularly in relation to allegations of sexual abuse between students, and maintain as far as possible, supportive relationships with parents, carers and families;
- Ensure that all parties involved respect the [confidentiality](#) and privacy of students and families involved; and
- Where relevant, make any preparation for the interview of a student by Queensland Police Service and/or the Department responsible for Child Safety at school – see the [QCEC guideline](#) and [sample record of interview form](#).

## 4. Advising parents

When a student protection report to the Queensland Police Service and/or the Department responsible for Child Safety is required, it is important that parents are not contacted before the student protection report is made.

If a student protection report submitted to Queensland Police Service and/or the Department responsible for Child Safety relates to suspected abuse or neglect by a member of the student's family, the Principal will only inform the parent(s) or carer(s) of the student protection concern once confirmed as appropriate with

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the Queensland Police Service or the Department responsible for Child Safety. This is to ensure that any potential child protection or criminal investigation is not compromised.

In order to assist at the school level in the management of any situation and to ensure the immediate safety of any students involved, the school should request from the Queensland Police Service and/or Department responsible for Child Safety feedback on the possible timing of their intervention and obtain some guidance about when the school may discuss the matter with the student's parent(s) or carer(s). This is particularly significant in cases of student to student sexual behaviour where it is important for the student's well-being to enable the parent to support the student and take steps to protect them.

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## 5. Definitions

### Child

A child is a person under 18 years of age.

### Child in need of protection

A child in need of protection is a child who -

- (a) has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and
- (b) does not have a parent able and willing to protect the child from the harm.

### Colleague

As defined by section 13H of the *Child Protection Act 1999*, colleague, of a relevant person, means a person working in or for the same entity as the relevant person

### Director of the Governing Body

As defined by section 364 of the *Education (General Provisions) Act 2006*:

*director*, of a non-State school's governing body, means a director of the governing body within the meaning of the *Education (Accreditation of Non-State Schools) Act 2017*, section 9.

### First Person

The "first person" is a staff member who reasonably suspects, in the course of the staff member's employment at the school, that a student under 18 years attending the school has been sexually abused by another person or is likely to be sexually abused by another person

### Harm

As defined by section 9 of the *Child Protection Act 1999*:

- (1) Harm, to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.
- (2) It is immaterial how the harm is caused.
- (3) Harm can be caused by—
  - (a) physical, psychological or emotional abuse or neglect; or
  - (b) sexual abuse or exploitation.
- (4) Harm can be caused by—
  - (a) a single act, omission or circumstance; or
  - (b) a series or combination of acts, omissions or circumstances.

### Inappropriate behaviour

Inappropriate behaviour includes but is not limited to any behaviour, including words, towards a student that is contrary to what is required of staff members under the Edmund Rice Education Australia's Code of Conduct. Further, any report from a person, including a student, about a staff member's behaviour towards a student that the person making the report considers to be inappropriate is to be taken as an allegation of inappropriate behaviour and must be responded to in accordance with the processes contained within this document.

### Reasonable suspicion

A *reasonable suspicion* is a suspicion that would be formed by a reasonable person based on a reasonable view of the evidence available to them. In other words, a reasonable suspicion is an objectively justifiable suspicion that is based on specific facts or circumstances.

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### Reportable suspicion

As defined by section 13E of the *Child Protection Act 1999* means a reasonable suspicion that a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and may not have a parent able and willing to protect the child from the harm.

### Relevant person (*Child Protection Act 1999*)

A relevant person for the purposes of mandatory reporting under section 13E of the *Child Protection Act 1999* is any of the following —

- (a) a doctor;
- (b) a registered nurse;
- (c) a teacher;
- (d) a police officer who, under a direction given by the commissioner of the police service under the *Police Service Administration Act 1990*, is responsible for reporting under this section;
- (e) a person engaged to perform a child advocate function under the *Public Guardian Act 2014*.

### Sexual abuse

As defined by section 364 of the *Education (General Provisions) Act 2006*:

*sexual abuse*, in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances—

- (a) the other person bribes, coerces, exploits, threatens or is violent toward the relevant person;
- (b) the relevant person has less power than the other person;
- (c) there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

### Staff Member

A staff member is any person who is employed by Edmund Rice Education Australia on a casual, fixed term, or continuing basis, either pursuant to a contract of employment or appointed to a role at the school pursuant to an agreement with a religious order.

### Student

A student is any person enrolled as such at a school/entity under the control of Edmund Rice Education Australia. This includes a “relevant person” for the purposes of mandatory reporting under sections 366 and 366A of the *Education (General Provisions) Act 2006*:

- (a) a student under 18 years attending the school;
- (b) a kindergarten age child registered in a kindergarten learning program at the school;
- (c) a person with a disability who—
  - (i) under section 420(2), is being provided with special education at the school; and
  - (ii) is not enrolled in the preparatory year at the school.

### Student Protection Contact (SPC)

A Student Protection Contact (SPC) is one of at least two persons who are nominated in each school in compliance with *the Education (Accreditation of Non-State Schools) Regulation 2017 (section 16 (3))* to whom a student can report behaviour by a staff member that the student considers inappropriate.

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## Teacher

means an approved teacher under the *Education (Queensland College of Teachers) Act 2005* employed at a school.

# 6. Legislative references

## Child Protection Act 1999

Reporting of a child in need of protection	<p>Section 13 A states</p> <p><i>“(1) Any person may inform the chief executive if the person reasonably suspects—</i></p> <p><i>(a) a child may be in need of protection; or</i></p> <p><i>(b) an unborn child may be in need of protection after he or she is born.</i></p> <p><i>(2) The information given may include anything the person considers relevant to the person’s suspicion.”</i></p>
Forming a reasonable suspicion of significant harm	<p>Section 13C of the <i>Child Protection Act 1999</i> offers some guidance around forming a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of suffering significant harm:</p> <p><i>(2) (a) whether there are detrimental effects on the child’s body or the child’s psychological or emotional state—</i></p> <p><i>(i) that are evident to the person; or</i></p> <p><i>(ii) that the person considers are likely to become evident in the future; and</i></p> <p><i>(b) in relation to any detrimental effects mentioned in paragraph (a)—</i></p> <p><i>(i) their nature and severity; and</i></p> <p><i>(ii) the likelihood that they will continue; and</i></p> <p><i>(c) the child’s age.</i></p> <p><i>(3) The person’s consideration may be informed by an observation of the child, other knowledge about the child or any other relevant knowledge, training or experience that the person may have.</i></p>
Reportable Suspicions	<p>Section 13E of the <i>Child Protection Act 1999</i> includes the mandatory reporting requirement for teachers to report a reasonable suspicion to the Department responsible for Child Safety, that a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse where there may not be a parent willing and able to protect the child from the harm (a “reportable suspicion”).</p> <p>Section 13G(5) states that a person does not commit an offence under the <i>Child Protection Act 1999</i> or any other act for failing to make a mandatory report under section 13E.</p>
Conferral with colleagues	<p>13H of the <i>Child Protection Act 1999</i> - Conferrals with colleague and related information sharing, states that:</p> <p><i>(1) A relevant person may give information to a colleague, and a colleague may give information to a relevant person, for any of the following purposes—</i></p> <p><i>(a) for the relevant person to form a suspicion about whether a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse;</i></p> <p><i>(b) in the case of a relevant person under section 13E—for the relevant person to form a suspicion about whether a child has a parent able and willing to protect the child from harm mentioned in paragraph (a);</i></p>

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	(c) for the relevant person to give a report under section 13G or keep a record about giving a report; (d) for the relevant person or colleague to take appropriate action to deal with suspected harm or risk of harm to a child.
Interviews with Children at School	Section 17 of the <i>Child Protection Act 1999</i> provides Department responsible for Child Safety and Queensland Police Service officers with the legislative authority to have contact with a child at a school prior to the parents being told of the contact with the child and the reasons for the contact, as part of an investigation and assessment.

### **Education (Accreditation of Non-State Schools) Act 2017 and Education (Accreditation of Non-State Schools) Regulation 2017**

The *Education (Accreditation of Non-State Schools) Act 2017* establishes an accreditation regime for the accreditation of non-state schools. The Act also establishes the penalties for non-compliance with the accreditation criteria.

The *Education (Accreditation of Non-State Schools) Regulation 2017* prescribes the accreditation criteria relevant for a non-state school's accreditation as mentioned in section 11 of the Act. Sections 16(1) to 16(7) of the Regulation deal with the accreditation requirements relating to the conduct of staff and students and response to harm.

### **Education (General Provisions) Act 2006 and Education (General Provisions) Regulation 2017**

The *Education (General Provisions) Act 2006* contains mandatory reporting requirements for all non-state school staff who become aware of or who reasonably suspect that a student has been sexually abused or is likely to be sexually abused by another person (sections 366 and 366A).

These requirements are designed to capture sexual abuse, suspected sexual abuse and likely sexual abuse of students by another person. A staff member or Principal who fails to comply with the mandatory reporting requirements in relation to the sexual abuse or suspected sexual abuse of a student commits an offence under section 366 of the *Education (General Provisions) Act 2006* and is liable for a penalty of up to 20 penalty units. However, a person does not commit an offence for failing to report the likely sexual abuse of a student under section 366A of the *Education (General Provisions) Act 2006*.

Staff making a report pursuant to the *Education (General Provisions) Act 2006* will be protected from civil or criminal liability e.g. from defamation or breach of confidence. However, staff making a knowingly false, malicious or vexatious report will not be protected by this immunity and may risk action for defamation, disciplinary action by their employer or disciplinary action by the Queensland College of Teachers.

### **Criminal Code Act 1899**

Section 229BC of *Criminal Code Act 1899* establishes a general requirement that applies to all adults (18 years or over) in Queensland to report to the Queensland Police Service any information that causes the adult to believe on reasonable grounds, or ought reasonably to cause the adult to believe, that a child sexual offence is being or has been committed against a child by another adult.

At the relevant time of the offending behaviour, the child victim must be under 16 years of age or a person with an impairment of the mind. A 'child sexual offence' means an offence of a sexual nature [whether or not it meets the definition of sexual abuse under the *Education (General Provisions) Act 2006*] committed in relation to a child, including for example, an offence against a provision of chapter 22 and 32 of the *Criminal Code Act 1899*.

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Failure to make a report, without a reasonable excuse, is a criminal offence. A reasonable excuse not to make a report under the *Criminal Code Act 1899*, includes that a report has already been made under:

- a) the *Education (General Provisions) Act 2006* (reporting sexual abuse or likely sexual abuse)
- b) the *Child Protection Act 1999* (reporting significant harm or risk of significant harm).

### Education (Queensland College of Teachers) Act 2005

The Education (Queensland College of Teachers) Act 2005 requires an employing authority to notify the Queensland College of Teachers (QCT):

- about particular allegations
  - as soon as practicable, after starting to deal with an allegation of harm or likely harm to a child due to the teacher's conduct (section 76)
- about the outcome of particular allegations
  - as soon as practicable, after dealing with the allegation, the employing authority must also inform QCT of the outcome (section 77)
- about certain dismissals
  - an employing authority must notify QCT within 14 days if the authority has dismissed a teacher in circumstances that call the teacher's competence to be employed as a teacher into question (section 78).

### Evidence Act 1977

Section 93A provides the legislative authority for the Queensland Police Service and the Department responsible for Child Safety to conduct an interview and obtain a recorded statement from a child under 16 years, or a person who was 16 or 17 years when the statement was made and who, at the time of the proceeding, is a special witness, or an intellectually impaired person who has personal knowledge of the matters dealt with by the statement.

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# Form C - Student Protection Contacts and School Authority details

## EDMUND RICE EDUCATION AUSTRALIA NORTHERN REGION

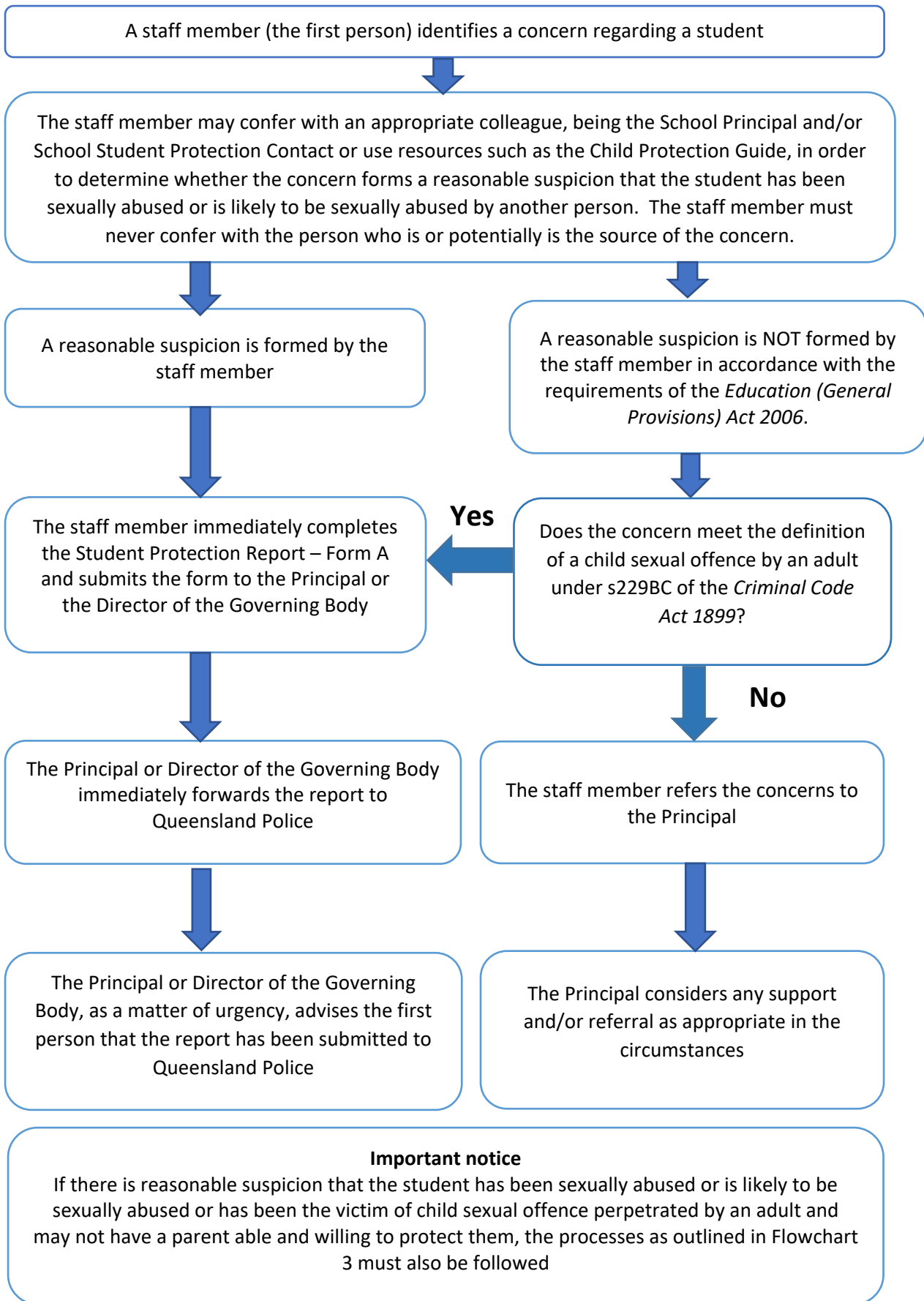
A current completed copy of this proforma must be kept at the school/entity and be freely available to staff, students and parents/caregivers. A current completed copy must also be given to each Student Protection Contact.

<b>NAME OF SCHOOL/ENTITY</b>
Concerns about inappropriate behaviour of employees and all harm/likely harm to students at this school/entity may be reported to the Student Protection Contacts whose names appear below: There must be at least two staff members at the school/entity who are appointed as Student Protection Contacts by the Principal/Entity Director. One must be the Principal/Entity Director. In the context of the Flexible Learning Centres, the Head of Campus (HOC) must be one of the Student Protection Contacts.
(Principal/Entity Director)
(Name and position)
(Name and position)
(Name and position)
(Name and position)
(Name and position)
(Name and position)
<b>THE DIRECTOR SCHOOLS - QLD EREA MAY BE CONTACTED ON (07) 3737 6700 or 3737 6712</b>
The Catholic School authority for this school/entity is known as: <b>Edmund Rice Education Australia</b>  For which the Governing Body is: <b>Trustees of Edmund Rice Education Australia</b>  The Directors of the School/Entity's Governing Body are: <b>Philomena Mary Billington, Cynthia Beverley Rowan, Beth Maria Gilligan, Peter Edward Hamill, Mark Anderson, David James White, Peter Michael Turner, Brian Vincent Bissaker, Stephen Leonard Ellich, Sonia Faccin Nolan, David Gerard Penny, Susan Monica Stevens and Stephen Paul Brown</b>
<b>IMPORTANT INFORMATION</b> Although employees are required to follow the Student Protection processes and guidelines laid down by EREA Northern Region, this does not limit the freedom of any person to take immediate action to notify police of any complaint or concern about the safety of a student, particularly if he/she believes that it is essential to ensure a student's safety.

**Please note:** This form must be kept up to date and retained in this document to meet legislative requirements. A copy of this information must also be displayed in the foyer of the school/entity and on posters displayed throughout the school/entity. The form should also be put on the School's website.

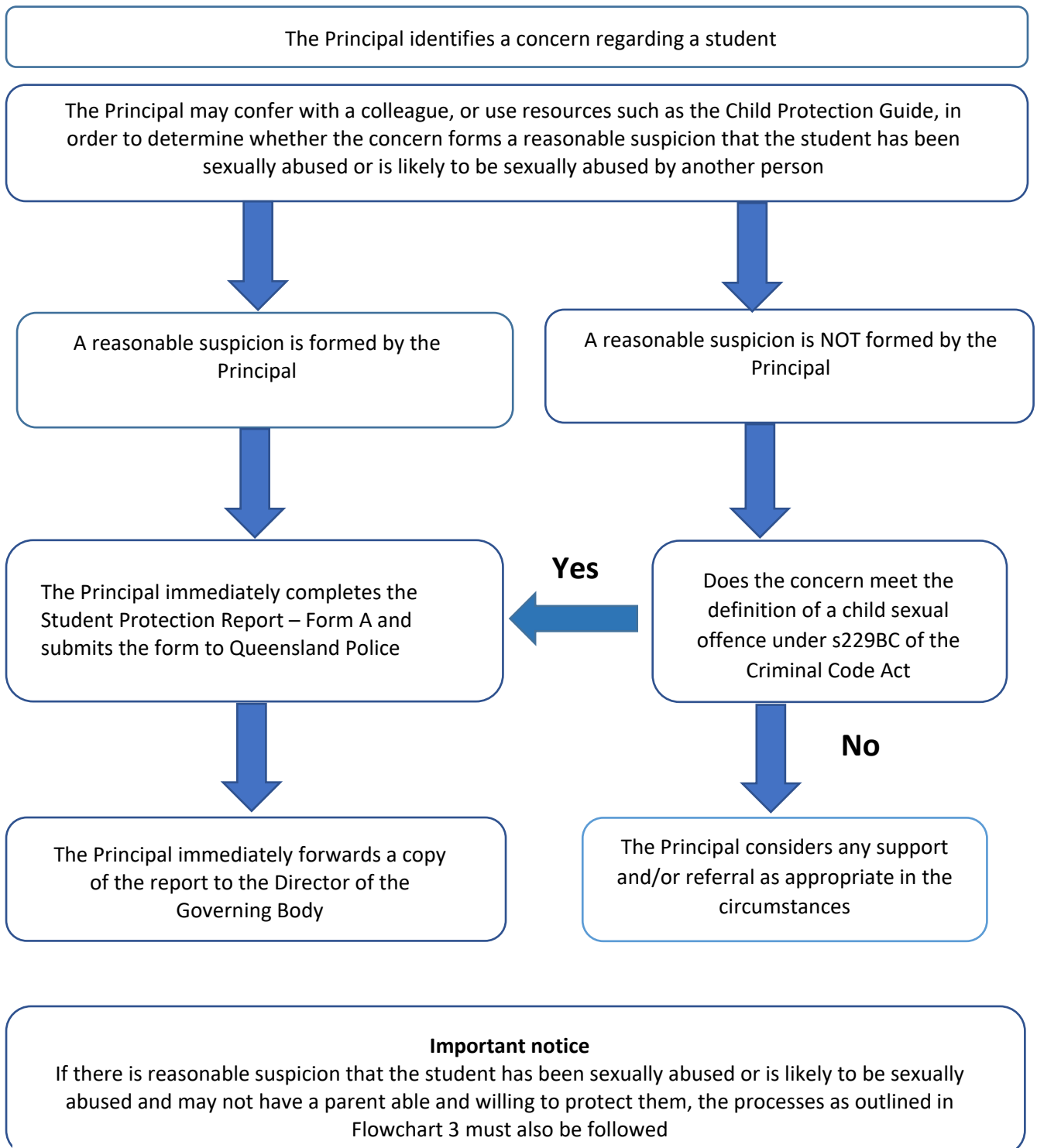
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# Flowchart 1: Reporting Sexual Abuse & Likely Sexual Abuse



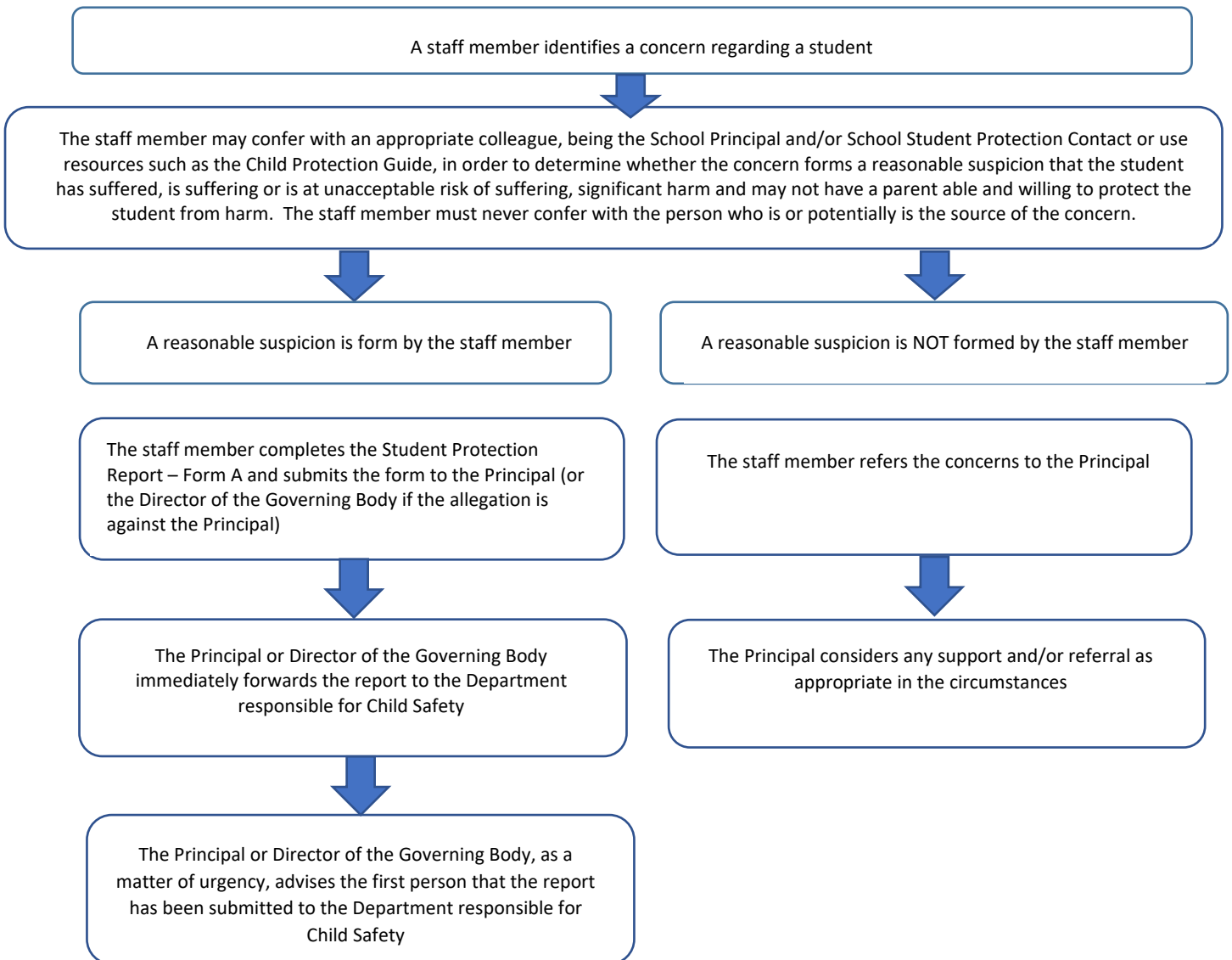
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## Flowchart 2: Reporting Sexual Abuse & Likely Sexual Abuse where the first person is the Principal



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# Flowchart 3: Reporting Significant Harm to the Department responsible for Child Safety



## Important notice

If there is a reasonable suspicion that the student has been sexually abused or is likely to be sexually abused by another person, then the processes as outlined in Flowchart 1 must also be followed, or Flowchart 2 if the first person is the Principal.

## Mandatory Responsibilities for Teachers

If the staff member is a teacher, and the reasonable suspicion is that the student has suffered, is suffering, or is at an unacceptable risk of significant harm caused by physical or sexual abuse and may not have a parent able and willing to protect the student from the harm (a reportable suspicion under section 13E of the *Child Protection Act 1999*), the teacher is responsible, as a matter of urgency, to ensure that the report has been submitted to the Department responsible for Child Safety, unless they become aware, or reasonably suppose, that the matter has already been brought to the attention of the authorities.

If a teacher forms a reportable suspicion and is not able to progress a report through the process detailed in the Flowchart above, they are able to meet their mandatory reporting obligation through reporting directly to Department responsible for Child Safety via the online reporting form:

<https://secure.communities.qld.gov.au/cbir/ChildSafety>

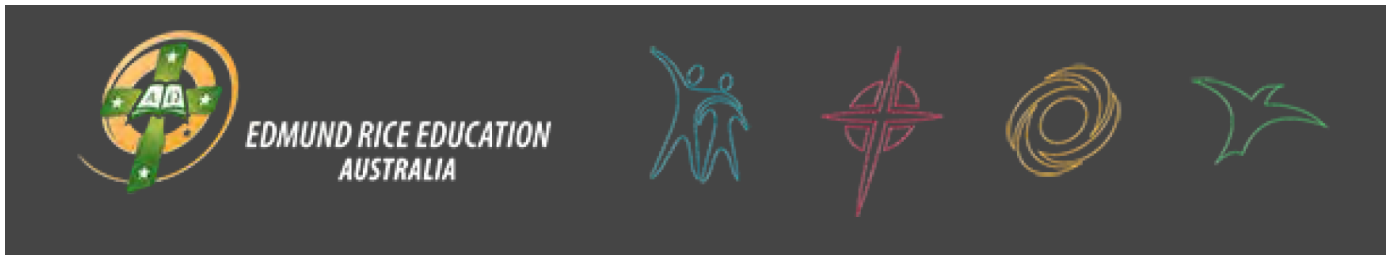
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## Form A – Student Protection Report to Queensland Police Service and/or the Department responsible for Child Safety

**SEE NEXT PAGE**

*(NB – For completion of this form, EREA staff can find the form within their School's CompliSpace site)*

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## Form A (Version 1.2)

### Student Protection Report to Queensland Police Service and/or the Department responsible for Child Safety

#### Type of Report

- ☐ Mandatory Report of Sexual Abuse/Likely Sexual Abuse to the Queensland Police Service
- ☐ Mandatory Report of a Reportable Suspicion to the Department responsible for Child Safety (Sexual Abuse/Physical Abuse) (this is compulsory reporting for non-teachers)
- ☐ Report of a reasonable suspicion that a child may be in need of protection caused by emotional abuse or neglect to the Department responsible for Child safety
- ☐ Report of sexual abuse, significant physical harm, risk of significant harm of a student by another student to Queensland Police Service
- ☐ Report of Inappropriate Behaviour towards a student by a staff member/volunteer to Principal / EREA Director of Schools - QLD

**THE QLD CHILD PROTECTION GUIDE WAS USED TO SUPPORT THE DECISION TO SUBMIT THIS REPORT**

- Yes  
☐ No  
☐

### PART A: FIRST PERSON REPORT (RECORD OF CONCERN) ALL sections of Part A should be completed

#### SCHOOL DETAILS

School Name	<input type="text" value="-- Select School --"/>
School Address	<input type="text"/>
School Telephone	<input type="text"/>
School Suburb	<input type="text"/>
Name of Principal	<input type="text"/>

#### DETAILS OF THE AFFECTED CHILD

Please note: If you have more than one affected child (who is not a sibling), a separate student protection report will have to be completed.

First Name	<input type="text"/>
Surname	<input type="text"/>
Preferred Name	<input type="text"/>
Gender	<input type="text"/>

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Date of Birth

Year Level

Indigenous Status

Main Language

Interpreter Required ☐ Yes  
☐ No

Disability ☐ Yes  
☐ No  
☐ Verified

Disability Details

Residential Address(es)

Current Location of the Child

Are there additional affected children in relation to this matter?

Please note: If you have more than one affected child (who is not a sibling), a separate student protection report will have to be completed. If the additional affected children are siblings, indicate below

☐ Yes  
☐ No

**PARENT GUARDIAN/CARER OF THE CHILD (MAIN CARER)**

Legal Name

Preferred Name

Gender

Proximate Age

Relationship to Child

Lives with the affected child ☐ Yes  
☐ No

Contact Telephone Numbers(s)

Residential Address(es)

Indigenous Status

Main Language

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Interpreter Required ☐ Yes  
☐ No

Disability ☐ Yes  
☐ No  
☐ Verified

Disability Details

**ADDITIONAL PARENT/GUARDIAN/CARER OF THE CHILD**

Legal Name

Preferred Name

Gender

Proximate Age

Lives with the affected child ☐ Yes  
☐ No

Contact Telephone Number(s)

Residential Address(es)

Indigenous Status

Main Language

Interpreter Required ☐ Yes  
☐ No

Disability ☐ Yes  
☐ No  
☐ Verified

Disability Details

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## SIBLINGS/OTHER FAMILY MEMBERS

Please type name, DOB (where known or approximate age) and relationship to the affected child for each family member. Please indicate if the siblings are also considered affected children in relation to this matter.

Eg John Smith (DOB (where known or approximate age), sibling, also an affected child

--

## TYPE OF ABUSE

- ☐ Sexual abuse
- ☐ Likely sexual abuse
- ☐ Physical abuse/unacceptable risk of physical abuse
- ☐ Emotional abuse/unacceptable risk of emotional abuse
- ☐ Neglect/unacceptable risk of neglect

## INAPPROPRIATE BEHAVIOUR

Which does not include sexual abuse or likely sexual abuse

### TYPE OF INAPPROPRIATE BEHAVIOUR

- ☐ Physical Boundary Violation
- ☐ Emotional Boundary Violation
- ☐ Behaviour Boundary Violation
- ☐ Other

--

### AWARENESS OF CONCERN

- ☐ Disclosure by student
- ☐ Information from another student
- ☐ Information from a relative of the student
- ☐ Information from another parent at the school
- ☐ Observations of a staff member
- ☐ Anonymous report
- ☐ Other

--

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## DESCRIPTION OF CONCERN

Please refer to EREA Code of Conduct for description of Inappropriate Behaviour. Please include as much information as possible to facilitate a thorough assessment of safety/harm by QPS and Child Safety. Include information

What happened, who was involved?  
When did it happen? (approx date/time)  
Where did it happen?

If your description of concern can not fit  
in the text box please attach separate  
document

Has the concern (or similar) occurred  
previously?

- ☐ Yes  
☐ No

## INJURIES TO CHILD

Please describe any physical injuries if known, include information such as - location, shape, size, colour

- ☐ Yes  
☐ No  
☐ Unknown

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Details

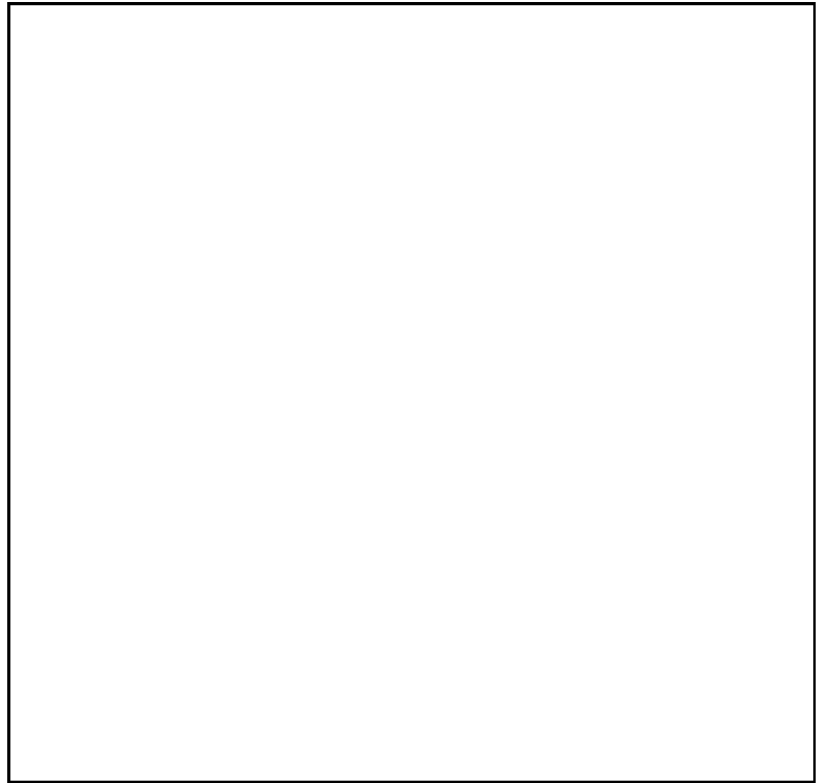
#### IMMEDIATE SAFETY CONCERNS

Please detail any concerns you may have about the affected child's immediate safety

- ☐ Yes
- ☐ No
- ☐ Unknown

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Details



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### OBSERVATION OF AFFECTED CHILDS BEHAVIOUR

Please provide details of the affected child's current behavioural/emotional presentation where known or relevant. For example, please indicate whether these behaviours were present prior to the disclosure or observed post disclosure

### SOURCE(S) OF CONCERN

Details of person believed to have caused the harm

Legal Name	<input type="text"/>
Preferred Name	<input type="text"/>
Gender	<input type="text"/>
Date of Birth/Approximate Age	<input type="text"/>
Contact Telephone Number(s)	<input type="text"/>

### SOURCE OF CONCERN BY CATEGORY

Staff member, other employee of volunteer	<input type="checkbox"/>
Parent, carer, family member or other person in the community	<input type="checkbox"/>

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Other student enrolled at the school ☐

Self-harm ☐

Is the source of concern a parent ☐ Yes  
☐ No  
☐ Unknown

Relationship

Does this parent have current access to the affected child ☐ Yes  
☐ No  
☐ Unknown

### PERSON(S) WITH MORE INFORMATION

Please include information on each person, name, position, contact number/s

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**FIRST PERSON REPORT (REPORT OF CONCERN) COMPLETED BY**

Name

Position

Contact Telephone Number(s)

Other contact Information

List other actions (if applicable)

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**PART B: ADDITIONAL INFORMATION (COMPLETED BY THE PRINCIPAL) / DELEGATE**

Family court orders

Details

Child protection orders

Details

Departmental out of home care

Details

Departmental intervention

Details

Previous student protection reports

Details

**RISK FACTORS**

Please provide details of any known risk factors. This includes issues that may impact of the child's vulnerability - medical issues, challenging behaviour, social issues and any issues that may impact on the parent's ability and willingness to protect the child - substance misuse, domestic violence, mental illness

Child risk factors

Details

Parent(s) risk factors

Details

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### PROTECTIVE FACTORS

Please provide details of any known protective factors such as - any actions parent/s have taken to address the concerns, involvement of support agencies, family support network

Yes ☐

No ☐

Unknown ☐

Details

### OTHER ADDITIONAL INFORMATION

To be completed if the principal has knowledge of any other relevant information not included above, for example - previous discussion with parent, support offered by the school any any actions taken by school staff

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### PERSON(S) WITH MORE INFORMATION

Please include information on each person: name, position, contact number/s

--

The young person is aware a report is being made

--

The parents/guardians are aware a report is being made

--

### REPORT SUBMITTED BY (PRINCIPAL/DELEGATE) DETAILS

Name

--

Position

--

Date

--

Time

--

Contact Telephone Number/s

--

Email

--

School

--

Suburb

--

### REPORT SUBMITTED VIA PRINCIPAL/DELEGATE EMAIL TO

Queensland Police Service Child Protection Investigation Unit

☐

Name of Officer and Region

--

Department responsible for Child Safety Regional Intake Service Team

☐

Name of Staff Member and Region

--

Family and Child Connect (FaCC)

☐

Reason/Information

--

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#### REQUEST BY SCHOOL FOR OUTCOME ADVICE

Edmund Rice Education Australia request that the outcome of the state authorities (QPF/Child Safety) assessment of the reported concerns be communicated to the Principal.

**FINALISED REPORT PROCESS** for Principals of EREA Northern Region (Queensland) Schools, Flexible Learning Centres, Indooroopilly Montessori Children's House, and Mary Rice Early Learning Centre.

1. Please save a copy of this form before submitting.
2. Ensure all Student Protection Reports (Form A) are forwarded (email) to: EREA Director of Schools - QLD.
3. All Student Protection Reports (Form A) sent to QPS/DCCSDS must be submitted by the Principal. A signature is not required as emailing of the report fulfills the legislative obligations of the Principal.
4. The Principal must inform the author of the First Person Report (Record of Concern) that the report has been made.

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**EDMUND RICE EDUCATION  
AUSTRALIA**

# **STUDENT PROTECTION GUIDELINES**

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**FOR THE EDMUND RICE EDUCATION AUSTRALIA  
NORTHERN REGION (QUEENSLAND) SCHOOLS,  
FLEXIBLE LEARNING CENTRES, INDOOROPILLY MONTESSORI  
CHILDREN'S HOUSE AND MARY RICE EARLY LEARNING CENTRE.**

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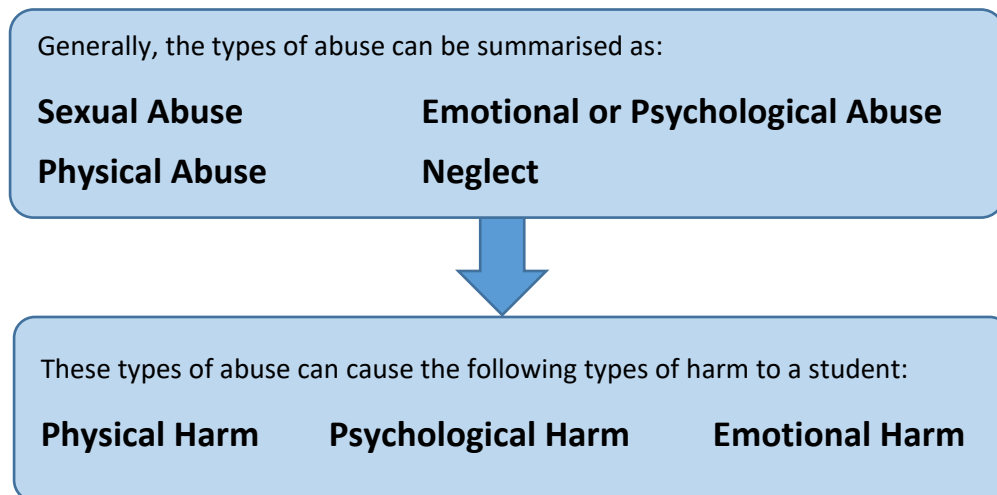
# Preface

These guidelines have been developed by the Queensland Catholic Education Commission (QCEC) in conjunction with Catholic School Authorities in order to provide information to support the implementation of the *Student Protection Processes for Queensland Catholic Schools*. These guidelines may be subject to change in line with child protection practice developments, and may be subject to customisation to reflect the resources and systems in place for a particular Catholic School Authority.

## 1. Understanding abuse and harm

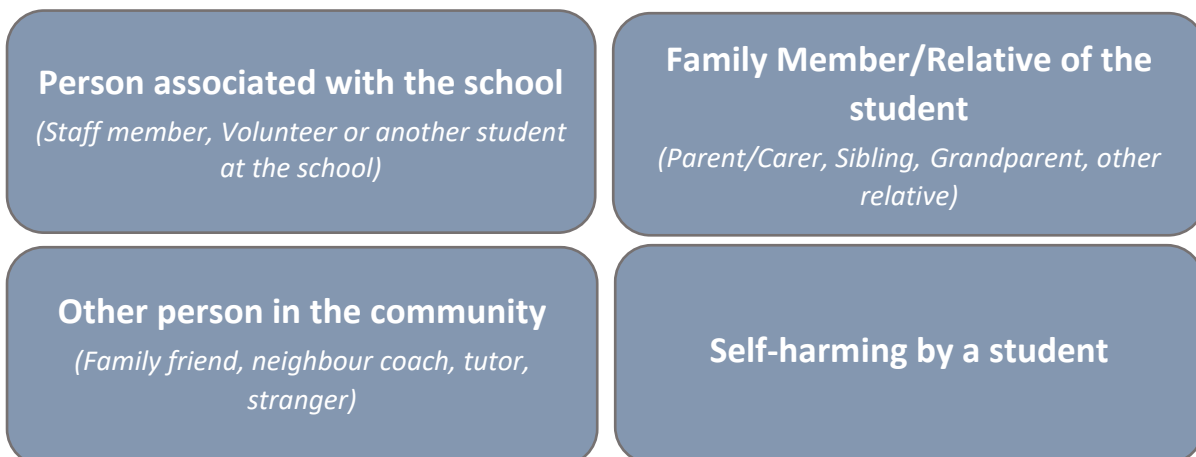
All children have the right to be safe in environments free from abuse and harm. Where this is not the case, adults have a responsibility to act. This part explains the key concepts that underpin the processes for ensuring the safety of students, in order to inform the actions staff members must take if they form a reasonable suspicion of abuse, harm or staff inappropriate behaviour towards a student.

As a first step, it is important that staff members have an understanding of what is meant by the terms 'abuse' and 'harm'.



### 1.1. Sources of abuse and harm

Students can be abused, or experience harm from a number of sources. These include:



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## 2. Types of Abuse

### Sexual Abuse and Likely Sexual Abuse

Sexual abuse of a student occurs where a person engages in sexual behaviour with a student, and:

- the other person bribes, coerces, exploits, threatens or is violent toward the relevant person; and/or
- the student has less power than the other person; and/or
- there is a significant disparity between the student and the other person in intellectual capacity or maturity.<sup>1</sup>

Characteristics of a power imbalance include: significant differences in age, developmental ability, authority, influence or some kind of control over the student.

Likely sexual abuse is where it is more probable than not that a student will be sexually abused in the future. One situation where a reasonable suspicion of likely sexual abuse could be formed is where [‘grooming’](#) behaviours towards a student are identified.

#### **IMPORTANT NOTE: Sexual Activity between staff members and students**

**The involvement of any staff member or volunteer within a school in sexual activity with, or sexual exploitation of, a student attending that school is always to be regarded as sexual abuse.**

### What does sexual abuse involve?

Sexual abuse involves an imbalance of power between a student and the other person. The imbalance of power allows force, trickery, emotional bribery, blackmail or emotional pressures to be used against the student to involve him/her in sexual activity or to sexually exploit him/her. Secrecy, the misuse of power and distortion of adult-child relationships may also be involved.

Sexual abuse involving physical contact with a student could include:

- touching, kissing, holding or fondling a student’s body in a sexual manner;
- touching, kissing or fondling a student’s genital area;
- engaging in or attempting to engage in vaginal or anal intercourse with a student;
- penetrating or attempting to penetrate a student’s vagina or anus with a finger or other object;
- engaging or attempting to engage in oral sex with a student; or
- engaging or attempting to engage in masturbation with a student.

It does not matter whether the student is clothed or unclothed whilst sexual abuse involving physical contact takes place. Engagement of a student in sexual acts by duress or through inducements of any kind is considered sexual abuse.

Sexual abuse/likely sexual abuse of a student may not necessarily involve physical contact. It could, for example, involve behaviour that occurs in the student’s direct presence or that occurs indirectly including through electronic communications. Examples include:

<sup>1</sup> See Section 364 of the *Education (General Provisions) Act 2006*

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- exposing a sexual body part to a student;
- requesting a student to expose a sexual body part;
- making obscene or sexually explicit remarks to a student;
- sending obscene or sexually explicit material to a student;
- blatant or persistent intrusion into a student's physical privacy;
- voyeurism - covertly observing intimate behaviour that is normally private;
- exposing a student to pornographic films, photographs, magazines or other material;
- having a student pose or perform in a sexually explicit manner;
- exposing a student to a sexual act;
- forcing a student to witness a sexual act; or
- communicating with a student in a sexually intrusive way.

## What is Grooming?

Sexual offending against a child is rarely a random act by a stranger. It is commonly based on a relationship with the child that has been formed over time. The abuse is commonly well thought out and planned in advance. Offenders may often take time to 'groom' their victim, often over a lengthy period. They will also often 'groom' the child's parents, care-providers or others who might otherwise protect them from the abuse. This occurs so that the child and his/her parents or care-providers will trust the offender and not suspect any intended wrongdoing.

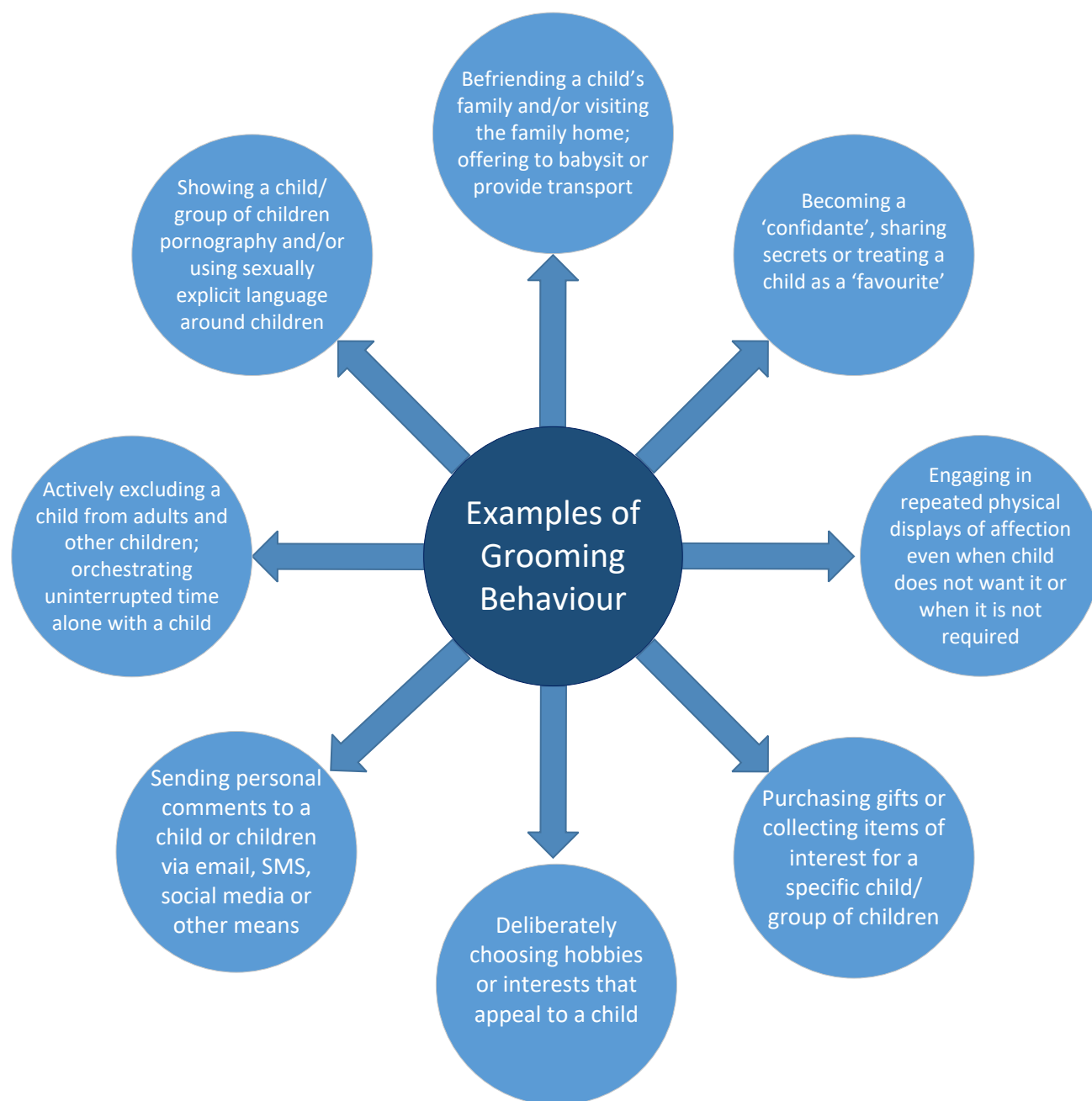
The establishment of a relationship of trust which is then misused is often very confusing and damaging to the child, who may not even immediately recognise what is happening to them as abuse. Grooming behaviour is unlikely to be recognised when observed as a one-off event, but a pattern of grooming of the intended victim and/or the intended victim's parents or care-providers is likely to be recognised. Grooming will tend to develop in intensity over time. It will also tend to include elements of secrecy and concealment.

It is important to be aware of the types of behaviours that can be used in the process of grooming a child or young person, while remembering that some of the behaviours might equally reflect normal interactions based on genuine motives of care and concern. This is the reason that, for staff members, the observance of clear professional boundaries and transparency in the declaration of potential conflicts of interest is a vital part of the protection of children and of the professional integrity of staff members themselves.

Recognition of the grooming process that is used as a preparation for the sexual abuse of a child is an indicator of likely sexual abuse.

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Some examples of 'grooming' behaviour could include:



## Activity between peers

- Sexual activity between students**

It is important to note that activity between peers may also be considered abusive, especially if the relationship is coercive or the behaviour forceful, degrading or threatening. Sexual activity between young people under 16 years of age is not automatically considered to be sexual abuse, even though technically it is unlawful in Queensland. The dynamics and characteristics of the sexual activity is a key consideration. For example, if a young person under the age of 16 years engages in sexual activity with a peer and there is no imbalance of power, coercion or manipulation involved, this may not be considered sexual abuse. On the other hand, if there is a power imbalance, coercion or manipulation in the sexual activity between a young person 16 years and older and another person, this may be considered sexual abuse.

- Student sexual behaviour**

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Suspicions that a student has been sexually abused may also be formed in some cases where a student exhibits concerning sexual behaviour. [Resources](#) such as those published by the Department responsible for Child Safety can assist in identifying age inappropriate sexual behaviour, and [section 4.2](#) details further signs of sexual abuse.

## Physical Abuse



*Physical abuse refers to non-accidental use of physical force against a child by another person that results in significant harm to the child.*

### What does physical abuse involve ?

Examples of physical abuse include but are not limited to hitting, shaking, throwing, burning, biting, poisoning and female genital mutilation. The definition of physically abusive behaviour extends to the fabrication, exaggeration and inducing of illness symptoms in a child.

A person does not have to intend to physically harm a child to have physically abused them (for example, physical punishment that results in bruising or fractures would generally be considered physical abuse). Physical abuse does not always leave visible marks or injuries. Physical abuse can result in significant physical harm (for example, fractures, burns or bruises) and/or emotional/psychological harm (for example, hyper vigilance, depression or persistent state of fear and anxiety) to a child.

When considering if a child is at unacceptable risk of suffering harm caused by physical abuse by a person, a range of factors are considered. Examples include:

- the person's propensity towards violence,
- the degree of control a person has over their own behaviour or the behaviour of others,
- the physical force used and
- the ability and willingness of another adult to act protectively to prevent the physical abuse.

Examples of situations which give rise to an unacceptable risk of physical abuse include, though are not limited to:

- domestic violence involving the throwing of objects; or
- situations in which a baby is shaken but not obviously injured.

## Emotional/Psychological Abuse



*Emotional or psychological abuse is the persistent emotional ill-treatment of a child which causes severe and persistent adverse effects on a child's emotional development.*

### What does emotional or psychological abuse involve ?

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Examples of emotional abuse include but are not limited to constant criticism, public humiliation, belittling, constant yelling, withholding praise and affection, excessive teasing, scape-goating, rejection, hostility, exposure of a child to domestic and family violence and conveying that a child is worthless or unloved, inadequate or valued only insofar as the child meets the needs of another person.

Emotional or psychological abuse may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of reasonable exploration and learning or preventing the child from participating in normal social interaction. Emotional abuse can result in significant harm to a child, for example, it can result in significant emotional / psychological harm such as depression, attachment disorders, chronic feeling of fear/anxiety or self-harm.

A child is considered to be at unacceptable risk of suffering harm caused by emotional abuse in a number of situations for example the frequent, chronic and entrenched verbal criticisms and hostility directed at the child by another person.

## Neglect



***Neglect** is the persistent failure to provide for a child's basic physical and emotional necessities of life such that the child's health and development are affected.*

### What does neglect involve?

Neglect is the persistent failure to provide for a child's basic physical and emotional necessities of life such that the child's health and development are affected. Basic needs include: food, housing, adequate clothing; personal hygiene and hygienic living conditions; health care, including the timely provision of medical treatment and dental care; and adequate supervision and protection needed for the child's optimal growth and development. Neglect may occur during pregnancy as a result of maternal substance abuse.

Neglect can result in a significant impact on a child's physical, emotional and psychological wellbeing. It can result in significant physical harm such as serious injury or death. For example, failure to supervise a child may result in a child ingesting poison, or getting seriously injured or getting burnt. Neglect can also result in serious emotional/ psychological harm such as attachment disorders, failure to thrive in infants and significant developmental delays.

A child is considered to be at unacceptable risk of neglect in situations such as severe or chronic substance misuse, significant mental illness, lack of parenting skills and addiction to gambling by the child's primary parent or care-provider inhibiting their capacity to provide sufficient care.

**More information around understanding child abuse and harm can be found on the Department responsible for Child Safety website.**

## 3. Significant Harm

Harm can be caused by physical, psychological or emotional abuse, sexual abuse or neglect. Harm refers to the detrimental effect or impact of abuse/neglect on a child. For statutory intervention to occur, there must be information to suggest:

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- that the child has suffered, is suffering or is at any unacceptable risk of suffering significant harm; and
- there may not have a parent able and willing to protect the child from harm.

Harm can be caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances. This series or combination of acts, omissions or circumstances is often referred to as "cumulative harm".

### 3.1 What is "unacceptable risk" of harm?

A child is considered to be at unacceptable risk of suffering harm if there are grounds to suspect that unless someone intervenes to prevent it, the actions of a person will result in, or is likely to result, in a detrimental effect of a significant nature on the child's physical, emotional and/or psychological well-being.

### 3.2 Relationship between abuse and harm

In essence, abuse is the action towards a student, and harm is the impact of that action on the child. Children can experience multiple types of abuse, which in turn can cause multiple types of harm.

Types of Abuse	Physical abuse	Emotional abuse	Sexual abuse	Neglect
	Hitting Punching	Rejection Persistent hostility	Sexual exploitation Penetration Exposure to Pornography	Inadequate supervision Poor hygiene/nutrition



Types of harm (impact on the child)	Physical (refers to body)	Emotional (ability to express emotions)	Psychological (mind & cognitive processes)
	Bruising Fractures Internal injuries	Depression Hypervigilance Self-harm	Learning and developmental delays Impaired self-image

## 4. Recognising Abuse and Harm

### 4.1 Recognising the signs of abuse and harm

There are many signs that might lead staff members to have concerns about a student. It is important to keep an open mind when encountering these signs, as their presence does not necessarily mean that the student is experiencing harm caused by abuse and/or neglect. However, they may identify concerns for a student and indicate that further consideration and monitoring is the appropriate response.

It is important to remember:

- the signs are generally more significant if they are severe, form a pattern, and/or show frequency
- the younger the child involved, the greater the risk
- all factors need to be considered including the child's circumstances and family context.

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## 4.2. Identifying the signs of Abuse and Harm

### Observations of student behaviour

In general terms, something may be wrong if you observe student behaviour such as:

- nervousness/withdrawal;
- passivity/excessive compliance;
- evidence of deterioration in peer relationships and/or generally poor peer relationships;
- trouble concentrating at school/unexpected drop in school academic performance;
- frequent absences from school without substantiated or acceptable explanations;
- being extremely aggressive, stealing or running away;
- evidence of extreme or continually aroused emotional states;
- out of character behaviour;
- behaviour that is not age appropriate or typical of peer behaviour;
- in younger students: separation anxiety, changed eating patterns;
- in older students: drug/alcohol use, sexual promiscuity, self-harm or reckless and risk-taking behaviour.

In relation to possible harm or risk of harm to a student that may be a result of sexual, physical or emotional abuse and/or neglect you may observe the following:

### Physical

- bruises or lacerations, especially on face, head and neck;
- burns/scalds;
- multiple injuries or bruises, especially over time;
- fractures, dislocations, twisting injuries;
- explanations offered by the child not consistent with the injury or the injury is unable to be explained by the child;
- A child hiding injuries
- repeated injuries with a recurring or similar explanation.

### Neglect

- delay in achieving developmental milestones;
- medical or therapeutic needs not attended to;
- poor personal hygiene leading to social isolation;
- scavenging for/stealing food; lack of adequate school lunches;
- extreme seeking of adult affection;
- flat and superficial way of relating.

### Domestic violence

- difficulties in eating and sleeping;
- hyper vigilance;
- regression to age-inappropriate behaviours;

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- developmental delays;
- child is over-protective of a parent;
- excessively controlling or aggressive/violent behaviour;
- abuse of siblings/parent.

## Emotional/psychological

- inability to value self and others;
- lack of trust in people;
- statements from the child e.g. “I’m bad; I was born bad”;
- extreme attention-seeking behaviours.

## Sexual

- direct or indirect disclosures of abuse;
- concerning sexual behaviour and/or age-inappropriate sexual knowledge;
- use of threats, coercion or bribery to force other children into sexual acts;
- sexual themes/fears expressed in artwork, written work or play;
- repeated urinary tract infections, especially in younger girls;
- physical trauma to buttocks, breasts, genitals, lower abdomen, thighs;
- unexplained accumulation of money/gifts;
- presence of sexually-transmitted infections, especially in younger children

***More information around recognising the signs of abuse can be found on the Department responsible for Child Safety Website.***

## 5. Forming a reasonable suspicion

A reasonable suspicion of abuse or harm is a suspicion that would be formed by a reasonable person based on a reasonable view of the evidence available to them. In other words, a reasonable suspicion is an objectively justifiable suspicion that is based on specific facts or circumstances. When a reasonable suspicion is formed, a staff member must act in accordance with the processes outlined in this document.

Generally, the ways in which a staff member may form a reasonable suspicion are as follows:



- A student makes a direct disclosure about another person's behaviour (see Section 5.1)
- A parent or any person reports information of concern about a student and/or another person's behaviour (this information may come from another student, relative, friend, acquaintance of the student, or sometimes could be anonymous)



- Direct observation of abusive or inappropriate behaviour towards a student
- Relevant observations (appearance, behaviours, and situations) are witnessed, or other relevant firsthand knowledge is gained.

Additionally, section 13C of the *Child Protection Act 1999* offers some guidance around forming a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of suffering significant harm:

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- Whether there are detrimental effects on a child's body or psychological/emotional state, or are likely to become so the future
- The nature and severity of the detrimental effects and the likelihood that they will continue
- The age of the child

A staff member may **confer** with an appropriate colleague, being the School Principal and/or a School Student Protection Contact as part of the decision-making process as to whether they have formed a reasonable suspicion – further detail around [conferral](#) processes can be found in the Student Protection Processes. The staff member just never confer with the person who is or potentially is the source of the concern.

It should be noted that at times information may come to a staff member's attention indirectly (e.g. perhaps third hand). In these cases, the following should be considered:

- it is not the role of the staff member or of the school to investigate, confirm or substantiate the validity of the information;
- in some cases, it may be appropriate to seek additional information to clarify the situation, to the extent necessary to determine any action that may be required under these processes;
- if the information received gives rise to a staff member forming a reasonable suspicion of harm to a student resulting from abuse or neglect, from any source, the staff member must follow the relevant [reporting requirements](#) described in the Student Protection Guidelines;
- if the information received by the staff member suggests inappropriate behaviour by a staff member towards a student, then the staff member must follow the relevant [reporting requirements](#) described in the Student Protection Processes for Queensland Catholic School Authorities.



**NOTE: Staff members must not photograph student injuries or audio/ video record the discussion with the student – this is the role of Police.**

Details about how the information came to the staff member's attention should be included in any report made under these processes.

## 5.1 Responding to a disclosure

Staff members in schools are often the first people a student may tell when they are feeling unsafe, therefore it is important for staff members to be aware of how children/young people disclose and how to respond in the most appropriate manner. If a student tells a staff member about being abused or harmed:

	<ul style="list-style-type: none"> <li>• <b>Move to a suitable environment</b>, free of distractions.</li> <li>• <b>Be calm and patient</b> - allow for the child to be heard.</li> <li>• <b>Let the child use their own words</b> - avoid asking leading questions.</li> <li>• <b>Avoid "quizzing" the child about details of the abuse.</b></li> <li>• <b>Don't be afraid of saying the 'wrong' thing.</b> Listening supportively is more important than what you say.</li> </ul>
	<ul style="list-style-type: none"> <li>• Reassure the child that <b>it is Okay to tell you</b> what's been happening.</li> <li>• <b>Address</b> any <b>concerns about the child's safety.</b></li> <li>• Reassure the child s/he is <b>not at fault and is not the cause of any distress</b> you may feel.</li> </ul>
	<ul style="list-style-type: none"> <li>• Respect that the child <b>may only reveal some details.</b></li> <li>• <b>Acknowledge</b> the <b>child's bravery and strength.</b></li> <li>• <b>Avoid making promises you can't keep</b> - manage the child or young person's expectations.</li> <li>• <b>Explain</b> to the child that in order for them to be safe <b>you will need to report their experience to someone else</b></li> </ul>

*Adapted from an AIFS infographic: [Responding to children and young people's disclosure of abuse](#)*

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**Remember - it is not a school staff member's role to investigate** a suspicion of an unacceptable risk of abuse/ harm from any source, rather to report a reasonable suspicion of abuse or harm in accordance with the student protection processes. It is the role of officers of Queensland Police Service and qualified officers of the Department responsible for Child Safety to investigate and collect evidence in the required circumstances, such as conducting interviews with students.

**Only ask enough questions to help you decide whether you have honest and reasonable grounds to form a suspicion** of harm/abuse or an unacceptable risk of harm/abuse. Be aware that any questioning beyond this could cause distress and confusion and could interfere with the integrity of any subsequent investigation undertaken by relevant authorities.

**As soon as possible after the disclosure, make detailed relevant notes** about any signs, disclosures, injuries, and behaviours that caused you to be concerned for the student's safety or wellbeing.

Any response must be focussed on the best interests of the student. As such, the immediate support needs of a student are the priority and staff members must act promptly to raise the concerns with the Principal.

## 6. Considering whether there is a parent able and willing to protect a student

Where there is no parent able and willing to protect a child from significant harm, then the Department responsible for Child Safety intervenes to ensure the safety of the child. This is therefore an important consideration when determining if a matter should be reported Department responsible for Child Safety.

**A parent must be able AND willing to protect the child from significant harm.**



In some cases, a **parent may be willing to protect their child from significant harm, but they may not be able to do so**, for example, the parent may be suffering from a severe mental health condition, physical illness or injury; or where existing court orders precludes the parent from taking protective action.



**A parent may be able but not willing to protect their child**, for example, where the parent continues in a relationship with a person who is sexually abusing their child and does not cease contact with the abusive person.



In some circumstances, a **parent may be both unable AND unwilling** to protect their child from significant harm. An example of this is a parent who has significant substance misuse issues and continues a relationship with someone who sexually abuses or is violent to their child.

In some cases, parents will seek to minimise or reduce the significance of harm suffered by a child (or that the child is at risk of suffering) and this may indicate the parent may not be able and willing to protect the child from harm. For example, this includes a parent minimising serious self-harming behaviours exhibited by their child or failing to recognise the serious and/or long term impacts of a child's medical needs or significant developmental delays.

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Forming a reasonable suspicion around whether a parent may be able and willing is based on a number of factors, including:

- the observations and knowledge the Principal and staff members may have of the family circumstances;
- disclosures made by a child;
- information provided by another person.

A staff member is not expected to conduct an investigation to ascertain if a parent is able and willing to act protectively, rather must act on the information available to them. Staff members may confer with colleagues to assist in their decision making.

**NOTE: If a reasonable suspicion of sexual abuse or likely sexual abuse is formed a report to the Queensland Police Service is to be made even if there is a parent able and willing to protect the child from harm.**

## 7. Responsibilities Under the Criminal Code Act 1899

Under section 229BC of the *Criminal Code Act 1899*, an adult who gains information that causes the adult to believe on reasonable grounds, or ought reasonably to cause the adult to believe, that a child sexual offence is being or has been committed against a child by another adult and at the relevant time the child is or was under 16 years or a person with an impairment of the mind, must report the matter to the Queensland Police Service.

Non-abusive sexual relationships in the following circumstances may fall outside of the mandatory responsibilities of teachers to report sexual abuse under the *Child Protection Act 1999* and staff members to report sexual abuse under the *Education (General Provisions) Act 2006*, but must be reported under the Criminal Code.

- Student (18 years or older) commits a child sexual offence against a student under the age of 16 years that does not meet the threshold of 'sexual abuse'
- Peer (18 years or older) commits a child sexual offence against a student under the age of 16 years that does not meet the threshold of 'sexual abuse'
- Student (18 years or older) commits a child sexual offence against a peer under the age of 16 years that does not meet the threshold of 'sexual abuse'
- An allegation against any adult who commits a child sexual offence (where the information is obtained outside the course of employment).

Matters which may be encountered include:

- carnal knowledge with or of children under the age of 16
- distributing intimate images or prohibited visual recordings
- maintaining a sexual relationship with a child.

Without a reasonable excuse (see Legislative References at section 4 of the Student Protection Processes), an adult who fails to disclose the information to a police officer as soon as reasonably practicable after the belief is, or ought reasonably to have been formed, commits a misdemeanour with a maximum penalty of three years imprisonment.

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An adult who, in good faith, discloses information about a child sexual offence to a police officer is not liable civilly, criminally or under an administrative process for making the disclosure.

## 8. Confidentiality, Record Keeping and Information Sharing

It is essential that student protection processes are managed in a confidential manner that both preserves the dignity and privacy of all affected parties, and ensures that any investigative process is not impaired. The management of any student protection concern should be well-documented, with clear records of any disclosures made by a student and any actions taken by the school. All information relating to a student protection concerns, including notes, reports and other documents must be stored securely and confidentially.

### Will a student's family know I have made a report?

A person who notifies the Department responsible for Child Safety around a suspicion that a child has been, or is likely to be harmed (known as the "notifier") cannot be identified unless certain exceptions apply. Where a student protection report results in a criminal court proceeding, the report may form part of the prosecution's evidence, therefore the staff member who made the report may be required to give evidence. Consequently, student protection reports must be completed in an impartial, accurate and factual manner.

### Information Sharing

Within the school, information should not be shared around student protection matters with other staff members unless for a specific purpose under these processes, for example conferring with the Principal to determine whether a matter constitutes a reasonable suspicion of abuse or harm. Information may also be provided to staff members as part of ongoing support or risk management processes for a student. There are a number of circumstances where a School Principal may be asked to share information, or be required to do so in order to support a student and their family:

- Under Part 4 of the *Child Protection Act 1999*, the Department responsible for Child Safety may request information around a student who may be in need of protection. Such requests should be in writing, and clearly specify what information is requested. The Principal should keep clear records around what information was provided in response and ensure that any information is accurate and factual.
- A Principal, as a 'particular prescribed entity' under the *Child Protection Act 1999* may share information with certain service providers in order to obtain support for a student and their family. As best practice, any referral for support should be with the knowledge and consent of a student's parents or care-providers, however a Principal may refer to service providers such as **Family and Child Connect** or **Intensive Family Support Services** without the prior consent of a parent or care-provider. These services will then seek the consent of the parent to engage them in providing support.
- Police may seek information from a Principal in relation to a law enforcement activity, for example in the investigation of a criminal offence, or in attempting to locate a missing child. Again, the Principal should keep clear records around what information was provided in response and ensure that any information is accurate and factual.

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## 9. Support and Referral Services

When students and families receive support services early, it can avoid the escalation of concerns towards statutory intervention by the Department responsible for Child Safety or Police. Where a concern is identified that does not meet the threshold for a report to Department responsible for Child Safety or Police, or indeed where the outcome of a report is that no intervention by the authorities will occur, the Principal should consider any referral to appropriate support services:

### Family and Child Connect

Community-based intake and referral services, known as '[Family and Child Connect](#)' have been established across Queensland to provide an additional pathway for referring concerns about children and their families. Family and Child Connect provides information and advice to people seeking assistance for children and families where there are concerns about their wellbeing, and can connect families to local services. Families can also contact Family and Child Connect themselves for advice and help.

### Intensive Family Support Services

In addition to Family and Child Connect, Intensive family support services are funded services that provide family support delivered under a lead case management model to address multiple and/or complex needs and assist families to build their capacity to care for and protect their children.

Intensive family support services include:

- Intensive Family Support
- Referral for Active Intervention
- Aboriginal and Torres Strait Islander Family Support Services
- Fostering Families.

Information around making a referral to these services can be found via the Department responsible for Child Safety [website](#). Particular information around information sharing provisions for Principals are detailed in [section 7](#).

### Other referral options

In some cases, it may be desirable to refer a family to a specific local service in the community, particularly where the family's needs are clearly identified. For example, a family may be in need of financial or housing support. The Queensland Family and Child Commission's [One Place](#) website provides useful information about local services.

### School based supports

There are a number of options to support students at risk within the school environment that can be implemented in addition to any external referral, including:

- Referral to the school counsellor
- Engaging specific educational services to meet a student's needs
- Consideration of academic demands and providing flexible alternatives
- Identifying other school support staff, including pastoral care options and peer support
- Implementing risk management plans, particularly involving situations between students
- Providing protective behaviours education to students, including safety planning.

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## 10. Understanding behaviour by a staff member a student considers to be inappropriate

For the purposes of these processes, staff inappropriate behaviour includes (though is not limited to) any behaviour, including words, towards a student that is contrary to what is required of staff members under the Edmund Rice Education Australia Code of Conduct.

Inappropriate behaviour by a staff member towards a student can be described in terms of *violations of professional boundaries*. These boundaries can be described as follows:

### Physical Boundaries

Exist to protect the body. Physical boundaries define appropriate physical contact between staff members and students in appropriate circumstances whilst respecting and responding to the physical needs of students

### Emotional Boundaries

Exist to protect feelings. Emotional boundaries determine the nature of appropriate professional relationships between staff members and a students in the context of respecting the emotional needs and wellbeing of students.

### Behavioural Boundaries

Exist to protect actions. Behavioural boundaries determine the appropriate behaviours expected of a staff member towards students, including respecting the rules of the Catholic School Authority or School.

Examples of boundary violations appear on the following page.

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## 10.1 Examples of Boundary Violations\*

\*See also The [Professional Boundaries: A Guideline for Queensland Teachers](#) as published by the QCT

Physical Boundary Violations	Emotional Boundary Violations	Behavioural Boundary Violations
<ul style="list-style-type: none"> <li>• pushing</li> <li>• pulling</li> <li>• grabbing</li> <li>• hitting</li> <li>• poking shoving</li> <li>• shaking</li> <li>• throwing</li> <li>• kicking</li> <li>• pinching</li> <li>• punching</li> <li>• using physical force to ensure a child cooperates</li> <li>• holding or restraining a child (unless in imminent danger of harm)</li> <li>• using an object (ruler, book, whiteboard marker) to manage a student</li> <li>• refusing biological necessities</li> <li>• applying painful or noxious conditions to a student</li> <li>• inappropriately touching or massaging a student</li> <li>• unnecessary or unwanted physical contact</li> </ul>	<p>Making inappropriate comments about a student and/or a student's family by:</p> <ul style="list-style-type: none"> <li>• shaming,</li> <li>• embarrassing, humiliating</li> <li>• using sarcasm</li> <li>• making derogatory remarks belittling</li> <li>• teasing</li> <li>• unprofessional criticism</li> </ul> <p>Exerting power over a student through the use of:</p> <ul style="list-style-type: none"> <li>• intimidating behaviour</li> <li>• fear</li> <li>• threats</li> <li>• moral pressure</li> </ul> <p>Shouting at a student</p>	<p>Having inappropriate interactions with a student through:</p> <ul style="list-style-type: none"> <li>• inappropriate use of social media in relation to a student</li> <li>• phone calls emails or texts to the student's personal email or phone</li> <li>• gift giving or showing special favours</li> <li>• sharing secrets with a student</li> <li>• disclosing inappropriate personal information to a student</li> <li>• inappropriate questioning of a student about personal and private matters</li> <li>• engaging in social activities with students (with whom there is not a declared personal relationship) outside school</li> <li>• driving students without appropriate authority</li> <li>• visiting students at home without appropriate authority</li> </ul> <p>Using unprofessional language:</p> <ul style="list-style-type: none"> <li>• swearing at or in the presence of a student</li> <li>• making otherwise inappropriate comments to or in the presence of a student</li> </ul> <p>Failing to follow a school's behaviour support policy and procedures:</p> <ul style="list-style-type: none"> <li>• unreasonable, unfair and/or unjust disciplinary measures</li> <li>• the imposition of manifestly unreasonable expectations or excessive demands on a student</li> <li>• using inappropriate locations or social isolation outside of the school's behaviour support guidelines as punishment</li> </ul> <p>Using a personal device or private email address to make contact with a student (with whom there is not a declared personal relationship or appropriate authority)</p> <p>Photographing a student other than for an appropriate professional reason Supplying substances to a student (e.g. unauthorised medication, tobacco, alcohol, illicit drugs)</p> <p>Exposing students to material that contains adult content or themes that is offensive or inappropriate to the age and/or maturity of the student</p>

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## 11. National Response Protocol

The Catholic Church has established a [National Response Protocol](#) to provide a framework for Church entities to offer a consistent response to children and adults who have been subjected to child abuse by Church personnel. Church personnel include clerics and religious, employees and volunteers currently or previously associated with a Church Authority or entity.

Queensland specific mandatory reporting requirements, as set out in the *Student Protection Processes for Queensland Catholic School Authorities*, will apply to Catholic School Authorities prior to the *National Response Protocol*.

If an individual seeks information concerning the *National Response Protocol*, a referral should be made to the Queensland Catholic Church Professional Standards Office at:

Phone: (07) 3324 3070

Toll Free: 1800 337 928

Email: [psogld@catholic.net.au](mailto:psogld@catholic.net.au)

PO Box 3264, Brisbane QLD 4001.

## 12. Historical Allegations

### 12.1 Overview of response

From time to time a person may contact a school/entity or Edmund Rice Education Australia Northern Region to report an historical matter of abuse or harm which relates to a past student/child of EREA Northern Region. All staff members are required to report such historical matters to the Principal/Entity Director who in turn **must** report the matter to the Director of Schools - QLD EREA who will determine the appropriate action to be taken.

### 12.2 Director of Schools – QLD EREA

The Director of Schools - QLD EREA or his delegate will report historical allegations of sexual and/or physical abuse of past students of EREA Northern Region to the Queensland Police Service and after confirming with the police inform the Director of the Office of Professional Standards Qld (*Towards Healing*).

Where the person against whom an allegation is made is currently an employee of Edmund Rice Education Australia Northern Region, the Director of Schools - QLD EREA (or his delegate) will carry out a risk assessment and a recommendation will be made to the Executive Director, Edmund Rice Education Australia, in relation to the staff member's employment. EREA should work closely with the Queensland Police Service and if and when their investigation is concluded, determine whether an EREA investigation needs to occur.

Where the person against whom the allegation is made is no longer an employee of EREA, the matter should be referred to the Executive Director Christian Brothers Professional Standards Office or to the Director of the Office of Professional Standards Qld (*Towards Healing*).

In relation to historical complaints of harm other than sexual or physical abuse matters, where the person against whom the allegation has been made still works for EREA, the matter should be addressed by EREA. Where the person is no longer an employee of EREA, the matter should be referred to the Director of the

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Office of Professional Standards Qld (*Towards Healing*) who can assist in making an assessment as to whether the information should be provided to the Queensland Police Service.

Where the staff member is a cleric or member of a religious order, or was a cleric or member of a religious order at the time of the alleged behaviour, the Director of Schools - QLD EREA will ensure that the relevant church authority is informed without delay and that this action is documented. The Director of Schools - QLD EREA will also inform the Director of the Office of Professional Standards Qld (*Towards Healing*) as soon as practicable.

### 12.3 Referrals to external support services

Where appropriate the person may be referred to the Director of the Office of Professional Standards Qld (*Towards Healing*) or to other community based support services appropriate to their needs.

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